

Statement of Defense Form

Enforcement Investigation ER2017.035;ER2018.021

IX A SOD Factual Responses

Richard Moseley and Salt River Construction Corporation

FAILURE (1) TO COMPLETE THIS FORM, (2) TO INCLUDE WITH THE COMPLETED FORM ALL DOCUMENTS, DECLARATIONS UNDER PENALTY OF PERJURY, AND OTHER EVIDENCE YOU WANT PLACED IN THE RECORD AND TO BE CONSIDERED BY THE COMMISSION, (3) TO LIST ANY WITNESSES WHOSE DECLARATION IS PART OF THE STAFF'S CASE AS IDENTIFIED IN THE VIOLATION REPORT THAT YOU WISH TO CROSS-EXAMINE, THE AREA OF KNOWLEDGE ABOUT WHICH YOU WANT TO CROSS-EXAMINE THE WITNESS, AND THE INFORMATION YOU HOPE TO ELICIT BY CROSS-EXAMINATION, AND (4) TO RETURN THE COMPLETED FORM AND ALL INCLUDED MATERIALS TO THE SAN FRANCISCO BAY CONSERVATION AND DEVELOPMENT COMMISSION STAFF OR TO CONTACT **MYLES SARON** OF THE SAN FRANCISCO BAY CONSERVATION AND DEVELOPMENT COMMISSION STAFF BY **JULY 31, 2018** MEANS THAT THE COMMISSION CAN REFUSE TO CONSIDER SUCH STATEMENTS AND EVIDENCE WHEN THE COMMISSION HEARS THIS MATTER.

DEPENDING ON THE OUTCOME OF FURTHER DISCUSSIONS THAT OCCUR WITH THE SAN FRANCISCO BAY CONSERVATION AND DEVELOPMENT COMMISSION ENFORCEMENT STAFF AFTER YOU HAVE COMPLETED AND RETURNED THIS FORM, ADMINISTRATIVE OR LEGAL ENFORCEMENT PROCEEDINGS MAY NEVERTHELESS BE INITIATED AGAINST YOU, IF THAT OCCURS, ANY STATEMENTS THAT YOU MAKE ON THIS FORM WILL BECOME PART OF THE ENFORCEMENT RECORD AND MAY BE USED AGAINST YOU.

YOU MAY WISH TO CONSULT WITH OR RETAIN AN ATTORNEY BEFORE YOU COMPLETE THIS FORM OR OTHERWISE CONTACT THE SAN FRANCISCO BAY CONSERVATION AND DEVELOPMENT COMMISSION ENFORCEMENT STAFF.

This form is enclosed with a violation report. The violation report indicates that you may be responsible for or in some way involved in either a violation of the Commission's laws, a Commission permit, or a Commission cease and desist order. The violation report summarizes what the possible violation involves, who may be responsible for it, where and when it occurred, if the Commission staff is proposing any civil penalty and, if so, how much, and other pertinent information concerning the possible violation.

This form requires you to respond to the alleged facts contained in the violation report, to raise any affirmative defenses that you believe apply, to request any cross-examination that you believe necessary, and to inform the staff of all facts that you believe may exonerate you of any legal responsibility for the possible violation or may mitigate your responsibility. This form also requires you to enclose with the completed statement of defense form copies of all written documents, such as letters, photographs, maps drawings, etc. and written declarations under penalty of perjury that you want the Commission to consider as part of this enforcement hearing. This form also requires you to identify by name any person whom you may want to cross-examine prior to the enforcement hearing on this matter, the area of knowledge that you want to cover in the cross-examination, the nature of the testimony that you hope to elicit, and the reasons that you believe other means of producing this evidence are unsatisfactory. Finally, if the staff is only proposing a civil penalty, i.e., no issuance of either a cease or desist order or a permit revocation order, this form allows you alternatively to pay the proposed fine without contesting the matter subject to ratification of the amount by the Commission.

IF YOU WANT TO CROSS-EXAMINE ANY PERSON ON WHOSE TESTIMONY THE STAFF HAS RELIED IN THE VIOLATION REPORT, YOU MUST COMPLETE PARAGRAPH SEVEN TO THIS STATEMENT OF DEFENSE FORM. THIS PARAGRAPH REQUIRES YOU TO SET OUT (1) THE NAME(S) OF THE PERSON(S) YOU WANT TO CROSS-EXAMINE, (2) REFERENCES TO ANY DOCUMENTS ABOUT WHICH YOU WANT TO CROSS-EXAMINE THE PERSON, (3) THE AREA OF KNOWLEDGE ABOUT WHICH YOU WANT TO CROSS-EXAMINE THE PERSON, (4) THE INFORMATION THAT YOU BELIEVE CAN BE ELICITED BY CROSS-EXAMINATION, AND (5) THE REASON WHY YOU BELIEVE THIS INFORMATION CANNOT BE PRESENTED BY DECLARATION OR OTHER DOCUMENT.

You should complete the form as fully and accurately as you can as quickly as you can and return it no later than 35 days after its having been mailed to you to the Commission's enforcement staff at the address:

**San Francisco Bay Conservation and Development Commission
455 Golden Gate Avenue, Suite 10600
San Francisco, California 94102**

If you believe that you have good cause for not being able to complete this form within 35 days of its having been mailed, please complete it to the extent that you can and within 35 days of the mailing of the violation report send the statement of defense form completed as much as possible with a written explanation of what additional information you need to complete the form in its entirety, how long it will take to obtain the additional information needed to complete the form, and why it will take longer than 35 days to obtain the additional information, send all of this to the Commission's staff at the above address. Following this procedure does not mean that the Executive Director will automatically allow you to take the additional time to complete the form. Only if the Executive Director determines that you have shown good cause for the delay and have otherwise complete the form as much as is currently possible will be grant an extension to complete the form.

If the staff violation report/complaint that accompanied this statement of defense form included a proposed civil penalty, you may, if you wish, resolve the civil penalty aspect of the alleged violation by simply providing to the staff a certified cashier's check in the amount of the proposed fine within the 35-day time period. If you choose to follow this alternative, the Executive Director will cash your check and place a brief summary of the violation and proposed penalty along with a notation that you are choosing to pay the penalty rather than contesting it on an administrative permit listing. If no Commissioner objects to the amount of the penalty, your payment will resolve the civil penalty portion of the alleged violation. If a Commissioner objects to the proposed payment of the penalty, the Commission shall determine by a majority of those present and voting whether to let the proposed penalty stand. If such a majority votes to let the proposed penalty stand, your payment will resolve the civil penalty portion of the alleged violation. If such a majority does not let the proposed penalty stand, the Commission shall direct the staff to return the money paid to you and shall direct you to file your completed statement of defense form and all supporting documents within 35 days of the Commission's action. Of course, you also have the opportunity of contesting the fine from the outset by completing this form and filing it and all supporting documents within 35 days of its having been mailed to you.

If you have any questions, please contact as soon as possible **MYLES SARON** of the Commission Staff at telephone number **415-352-3600**.

1. Facts or allegations contained in the violation report that you admit (with specific reference to the paragraph number in the violation report):

1X.A SRCC admits to the second sentence with proviso provided below in No. 4

2. Facts or allegations contained in the violation report that you deny (with specific reference to paragraph number in the violation report):

IX. A - SRCC denies statement per the fourth sentence .

3. Facts or allegations contained in the violation report of which you have no personal knowledge (with specific reference to paragraph number in the violation report):

IX. A - SRCC has no personal knowledge of the entire first sentence.

IX. A - SRCC has no personal knowledge of the entire third sentence

4. Other facts which may exonerate or mitigate your possible responsibility or otherwise explain your relationship to the possible violation (be as specific as you can; if you have or know of any documents, photographs, maps, letters, or other evidence that you believe are relevant, please identify it by name, date, type, and any other identifying information and provide the original or a copy if you can):

IX A. SRCC facts pertaining to first sentence.

SRCC believes that Brian Ross witnessed work at the Cove Apartments in July of 2016. At the Cove apartments SRCC drove 29 seismic retrofit batter piling for 18 different buildings. The average length of each pile was 100' and each piling took 8 hours to drive. The piles were installed for earthquake retrofit. The water depth we had to park our crane barge in on the outer buildings was +1 at a zero tide. At a high tide of +5 feet MLLW we would move from one building to the next. To move a crane barge that draws 4' when the tide is high we had to drag our barge across the mud with our excavator. A ninety (90) ton crane had to be used with the barge in order to set seismic pilings to grade due to the total weight of the pile and diesel hammer at an over combined weight of 30,000lbs.

This action of dragging our barge across the mud to get to the next building with an excavator was less intrusive than using a tugboat since the mud we disturbed stayed in the construction area. A tugboat would have pushed a plume of silt and mud along with leaving indentations from the propellers for a far distance away from the required seismic retrofit construction area. At low tide our barge would sit completely on the bay floor mud. Currently Pile Savers (PS) is performing a pier job in Corte Madera for the residence at 5124 Paradise Drive. Easy viewing adjacent to Paradise Drive shows PS barge completely at rest on the bay floor at any low tide. It is a known common industry standard that to access with floating marine plants in order undertake work to a waterfront building site that cannot be accessed by land in a mud flat area any style of floating unit/scow/barge/vessel etc.. must rest on bay floor mud.

5. Any other information, statement, etc. that you want to make:

SRCC asks to be provided with the video that Brian Ross emailed to BCDC in July 2016 per the first sentence of IX. A .

6. Documents, exhibits, declarations under penalty of perjury or other materials that you have attached to this statement to support your answers or that you want to be made part of the administrative record for this enforcement proceeding (Please list in chronological order by date, author, title and enclose a copy with this completed form):

N/A .

7. Name of any person whose declaration under penalty of perjury was listed in the violation report as being part of the staff's case who the respondent wants to cross-examine, all documents about which you want to cross-examine the person, area or areas of information about which the respondent wants to cross-examine the witness, information that the respondent hopes to elicit in cross-examination, and the reason(s) why some other method of proving this information is unsatisfactory:

None

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IX B-E SOD Factual Responses

Richard Moseley and Salt River Construction Corporation

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VI A SOD FACTUAL RESPONSES

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1. Facts or allegations contained in the violation report that you admit (with specific reference to the paragraph number in the violation report):

None .

2. Facts or allegations contained in the violation report that you deny (with specific reference to paragraph number in the violation report):

VI.-4A : Last sentence , SRCC denies that we extracted and placed fill without a BCDC permit and therefore did not violate CGCS 66632.

3. Facts or allegations contained in the violation report of which you have no personal knowledge (with specific reference to paragraph number in the violation report):

VI. - A1 SRCC has no personal knowledge that a Baykeeper patrol boat and or members of the kayaking public may have witnessed our marine excavator scow/barge being propel the barge forward by an excavator on November 25,2017.

VI.- A2 SRCC has no personal knowledge that our marine excavator scow/barge noted above was involved in any " suspicious dredging activity" as was witnessed by Baykeeper on 11/25/17

VI.-A3 SRCC has not seen the video that BCDC was able to identify our equipment.

SRCC asks to be provided the video and photographs in concert with this SOD.

VI.- A-4 SRCC has no personal knowledge of "Placement of fill without a permit from the Commission etc..

4. Other facts which may exonerate or mitigate your possible responsibility or otherwise explain your relationship to the possible violation (be as specific as you can; if you have or know of any documents, photographs, maps, letters, or other evidence that you believe are relevant, please identity it by name, date, type, and any other identifying information and provide the original or a copy if you can):

5. Any other information, statement, etc. that you want to make:

SRCC previously stated for the record that our firm " has no personal knowledge of VI. A1 through A4. SRCC believes it is warranted that we provide some necessary information at this time for the Commission to objectively consider as it relates to what Baykeeper reported to BCDC .

SRCC has adopted a standard procedure in conjunction with deployment of excavators when positioning or relocating during dredging operations or for transiting through bay waters. SRCC offers two videos for BCDC to view. The first video (<https://www6yf4/SRC2004VIDEO.wmv?dl=0.dropbox.com/s/lt8ovd4jy69>) shows SRCC positioning or relocating a dredge barge at the Benicia Marina in 2004.

The second video (<https://www.youtube.com/watch?v=MtzUSdhUlaw>) shows Curtin Maritime positioning or locating their floating dredge barge with excavator at the Emery Cove Yacht Harbor in 2017.

Dutra Dredging and many other marine engineering companies use marine style excavators in the exact manner illustrated by the video's to perform the same functions and other marine activities.

Additionally, marine excavators are not the only marine equipment and support facilities that enter the surface of the bay mud floor when dredging or repositioning . Anchors and spuds are used by all dredges including suction dredges, marina dredges and ship channel dredges to name a few. Marine anchors are set inside and outside the dredge borders. In order for anchors to function properly units dig deep into the existing bay mud sediments and most notably beyond the dredging design depths for the very project that needs the anchors so that an approved/permitted dredging episode can proceed to insure safe navigation for every vessel which moves about the bay. These same anchors are continuously pulled out of the bay mud floor by anchor handling boat(s) or cranes and then repositioned thereby removing sediments ,and placing extracted materials back into the bay so the floating marine dredge plant can advance through the permitted maintenance dredging area(s). The same procedure must be repeated numerous times in order to satisfy approved DOP's. Additional maneuvering of anchors happens during and near the end of all

dredging jobs to "clean up" shy spots in concert with interim progress and of course the final post dredging surveys . Each time anchors are repositioned insitu sediments below design and overdepth allowance limits are certain to be extracted and randomly released onto the bay floor.

"Spuds" are another method used to secure floating marine dredge plants. Spuds are similar to anchors in that both will readily sink twenty (20) ft into soft bay mud. Spuds commonly penetrate below the design depth and are continuously dropped and lifted to facilitate repositioning for advancing dredge plants. A result of this vertical action is that the spuds bring up bay mud materials from beyond the permitted dredging depths of any recreational vessel marina that SRCC performs maintenance dredging in the BCDC's jurisdiction(s) .

In other instances many large dredges use a walking spud. When the dredge needs to advance the walking spud rotates to walk the dredge forward. Cranes use their clamshell to adjust their position and rotate the dredge around the spuds. Cranes propel themselves with the clamshell boom and bucket hoists. A clamshell like an excavator bucket does not need to enter more than one (1) foot into the top layer of any bay mud surface in order to either propel or position a floating dredge plant .

Tugboats used to assist floating dredge plants in common shallow marinas create far more turbidity in comparison to excavators, clamshells, anchors or spuds. Moving a loaded scow out of a narrow marina fairway takes significant power causing indentation, scouring and large plumes of turbidity. A tidal range of four (4) to (5) feet does not make a big difference when your design dredging depths are between (-seven)-7 and (-eleven) -11 foot MLLW.

A shallow draft tugboat drawing six (6) feet working in a marina that has been dredged to nine (9) feet will have from three (3) to eight (8) feet of water dependent upon the level of the tide under its propellers. Three (3) to eight (8) feet is not enough water to eliminate scouring and turbidity while maneuvering a loaded barge out of a fairway into a channel. To get around a turn with a tugboat and loaded scow without using a lot of power the barge needs to have and use spuds. These spuds are dropped to pivot on while going around the turn. Spuds that are dropped and continuously raised extract mud from deep depths. An excavator used with its bucket open on the top of the surface which does not need to penetrate into any bay mud surface more than a foot creates far less turbidity and disturbances to the bay floor and its surroundings than a tugboat.

6. Documents, exhibits, declarations under penalty of perjury or other materials that you have attached to this statement to support your answers or that you want to be made part of the administrative record for this enforcement proceeding (Please list in chronological order by date, author, title and enclose a copy with this completed form):

2004 SRCC Benicia Marina The first video

(<https://www6yf4/SRC2004VIDEO.wmv?dl=0.dropbox.com/s/lt8ovd4jy69>) shows SRCC positioning or relocating a dredge barge at the Benicia Marina in 2004.

2017 Curtin Maritime Emery Cove The second video

(<https://www.youtube.com/watch?v=MtzUSdhUlaw>) shows Curtin Maritime positioning or locating their floating dredge barge with excavator at the Emery Cove Yacht Harbor in 2017.

7. Name of any person whose declaration under penalty of perjury was listed in the violation report as being part of the staff's case who the respondent wants to cross-examine, all documents about which you want to cross-examine the person, area or areas of information about which the respondent wants to cross-examine the witness, information that the respondent hopes to elicit in cross-examination, and the reason(s) why some other method of proving this information is unsatisfactory:

SRCC does not want to cross examine anyone in regards to this SOD.

Statement of Defense Form

Enforcement Investigation ER2017.035;ER2018.021

VI B SOD FACTUAL RESPONSES

Richard Moseley and Salt River Construction Corporation

FAILURE (1) TO COMPLETE THIS FORM, (2) TO INCLUDE WITH THE COMPLETED FORM ALL DOCUMENTS, DECLARATIONS UNDER PENALTY OF PERJURY, AND OTHER EVIDENCE YOU WANT PLACED IN THE RECORD AND TO BE CONSIDERED BY THE COMMISSION, (3) TO LIST ANY WITNESSES WHOSE DECLARATION IS PART OF THE STAFF'S CASE AS IDENTIFIED IN THE VIOLATION REPORT THAT YOU WISH TO CROSS-EXAMINE, THE AREA OF KNOWLEDGE ABOUT WHICH YOU WANT TO CROSS-EXAMINE THE WITNESS, AND THE INFORMATION YOU HOPE TO ELICIT BY CROSS-EXAMINATION, AND (4) TO RETURN THE COMPLETED FORM AND ALL INCLUDED MATERIALS TO THE SAN FRANCISCO BAY CONSERVATION AND DEVELOPMENT COMMISSION STAFF OR TO CONTACT **MYLES SARON** OF THE SAN FRANCISCO BAY CONSERVATION AND DEVELOPMENT COMMISSION STAFF BY **JULY 31, 2018** MEANS THAT THE COMMISSION CAN REFUSE TO CONSIDER SUCH STATEMENTS AND EVIDENCE WHEN THE COMMISSION HEARS THIS MATTER.

DEPENDING ON THE OUTCOME OF FURTHER DISCUSSIONS THAT OCCUR WITH THE SAN FRANCISCO BAY CONSERVATION AND DEVELOPMENT COMMISSION ENFORCEMENT STAFF AFTER YOU HAVE COMPLETED AND RETURNED THIS FORM, ADMINISTRATIVE OR LEGAL ENFORCEMENT PROCEEDINGS MAY NEVERTHELESS BE INITIATED AGAINST YOU, IF THAT OCCURS, ANY STATEMENTS THAT YOU MAKE ON THIS FORM WILL BECOME PART OF THE ENFORCEMENT RECORD AND MAY BE USED AGAINST YOU.

YOU MAY WISH TO CONSULT WITH OR RETAIN AN ATTORNEY BEFORE YOU COMPLETE THIS FORM OR OTHERWISE CONTACT THE SAN FRANCISCO BAY CONSERVATION AND DEVELOPMENT COMMISSION ENFORCEMENT STAFF.

This form is enclosed with a violation report. The violation report indicates that you may be responsible for or in some way involved in either a violation of the Commission's laws, a Commission permit, or a Commission cease and desist order. The violation report summarizes what the possible violation involves, who may be responsible for it, where and when it occurred, if the Commission staff is proposing any civil penalty and, if so, how much, and other pertinent information concerning the possible violation.

This form requires you to respond to the alleged facts contained in the violation report, to raise any affirmative defenses that you believe apply, to request any cross-examination that you believe necessary, and to inform the staff of all facts that you believe may exonerate you of any legal responsibility for the possible violation or may mitigate your responsibility. This form also requires you to enclose with the completed statement of defense form copies of all written documents, such as letters, photographs, maps drawings, etc. and written declarations under penalty of perjury that you want the Commission to consider as part of this enforcement hearing. This form also requires you to identify by name any person whom you may want to cross-examine prior to the enforcement hearing on this matter, the area of knowledge that you want to cover in the cross-examination, the nature of the testimony that you hope to elicit, and the reasons that you believe other means of producing this evidence are unsatisfactory. Finally, if the staff is only proposing a civil penalty, i.e., no issuance of either a cease or desist order or a permit revocation order, this form allows you alternatively to pay the proposed fine without contesting the matter subject to ratification of the amount by the Commission.

IF YOU WANT TO CROSS-EXAMINE ANY PERSON ON WHOSE TESTIMONY THE STAFF HAS RELIED IN THE VIOLATION REPORT, YOU MUST COMPLETE PARAGRAPH SEVEN TO THIS STATEMENT OF DEFENSE FORM. THIS PARAGRAPH REQUIRES YOU TO SET OUT (1) THE NAME(S) OF THE PERSON(S) YOU WANT TO CROSS-EXAMINE, (2) REFERENCES TO ANY DOCUMENTS ABOUT WHICH YOU WANT TO CROSS-EXAMINE THE PERSON, (3) THE AREA OF KNOWLEDGE ABOUT WHICH YOU WANT TO CROSS-EXAMINE THE PERSON, (4) THE INFORMATION THAT YOU BELIEVE CAN BE ELICITED BY CROSS-EXAMINATION, AND (5) THE REASON WHY YOU BELIEVE THIS INFORMATION CANNOT BE PRESENTED BY DECLARATION OR OTHER DOCUMENT.

You should complete the form as fully and accurately as you can as quickly as you can and return it no later than 35 days after its having been mailed to you to the Commission's enforcement staff at the address:

**San Francisco Bay Conservation and Development Commission
455 Golden Gate Avenue, Suite 10600
San Francisco, California 94102**

VI.B Unpermitted Dredging : Foster City Intake Channel :

If you believe that you have good cause for not being able to complete this form within 35 days of its having been mailed, please complete it to the extent that you can and within 35 days of the mailing of the violation report send the statement of defense form completed as much as possible with a written explanation of what additional information you need to complete the form in its entirety, how long it will take to obtain the additional information needed to complete the form, and why it will take longer than 35 days to obtain the additional information, send all of this to the Commission's staff at the above address. Following this procedure does not mean that the Executive Director will automatically allow you to take the additional time to complete the form. Only if the Executive Director determines that you have shown good cause for the delay and have otherwise complete the form as much as is currently possible will be grant an extension to complete the form.

If the staff violation report/complaint that accompanied this statement of defense form included a proposed civil penalty, you may, if you wish, resolve the civil penalty aspect of the alleged violation by simply providing to the staff a certified cashier's check in the amount of the proposed fine within the 35-day time period. If you choose to follow this alternative, the Executive Director will cash your check and place a brief summary of the violation and proposed penalty along with a notation that you are choosing to pay the penalty rather than contesting it on an administrative permit listing. If no Commissioner objects to the amount of the penalty, your payment will resolve the civil penalty portion of the alleged violation. If a Commissioner objects to the proposed payment of the penalty, the Commission shall determine by a majority of those present and voting whether to let the proposed penalty stand. If such a majority votes to let the proposed penalty stand, your payment will resolve the civil penalty portion of the alleged violation. If such a majority does not let the proposed penalty stand, the Commission shall direct the staff to return the money paid to you and shall direct you to file your completed statement of defense form and all supporting documents within 35 days of the Commission's action. Of course, you also have the opportunity of contesting the fine from the outset by completing this form and filing it and all supporting documents within 35 days of its having been mailed to you.

If you have any questions, please contact as soon as possible **MYLES SARON** of the Commission Staff at telephone number **415-352-3600**.

1. Facts or allegations contained in the violation report that you admit (with specific reference to the paragraph number in the violation report):

- a) SRCC admits to the third sentence per paragraph VI.B-1.
- b) SRCC admits to the sentence/paragraph of VI.B-3
- c) SRCC admits to VI.B-4a
- d) SRCC admits to VI.B-4d with the proviso that design depth referenced here is -5.205 MLLW
- e) SRCC admits to VI.B-4e
- f) SRCC admits to VI. B-7
- g) SRCC admits to VI. B-8 with the proviso that we provide this factual information which was computed and measured by Mike Buti our LS for the project was a mere total volume of twelve (12) cubic yards of sediment that was indeed excavated below -6.5 MLLW. See Mike Buti's 8/1/18 enclosed email/worksheet (Exhibit I) reinforcing our statement of fact.

2. Facts or allegations contained in the violation report that you deny (with specific reference to paragraph number in the violation report):

- a) SRCC denies the entire paragraph per VI.B-2a . The actual initial computed volumes that were measured from a known benchmark that SRCC was directed to utilize by Foster City. The pre-dredge revealed 14,130 cubic yards to a design depth of -5.205 MLLW plus one (1) foot of overdredge allowance. The initial volume and depth(s) just stated were collected and computed by Mike Buti Land Surveyor , LS 5092, and clearly represented via his Topographic pre dredge Survey map 8-3-2017 established herein as "Exhibit A". Upon receipt of the initial pre dredge , Exhibit A, SRCC proceeded with the following customary submittals that were subsequently replied to by Foster City and DMMO members which are listed in the following chronological order :

- a) 8-9-17 Exhibit B submitted DOP to Foster City (FC) and copied all DMMO agencies.

a-1) 8-16-17 Exhibit B1 FC per Robert Perrera (RP) confirms SRCC's request for clarification(s) that contract plans were not correct and indeed erroneous. Furthermore, totally revised plans NOT based on current measured field data will be drawn by Foster City and once completed delivered to SRCC. Upon receipt from FC our firm was further directed and urged by the City on numerous instances to revise our USACE approved DOP and 8/3/17 pre dredge survey with fabricated and false data for the FC to resubmit onto BCDC in order to procure the Commissions necessary episode approval.

b) 8-29-17 Exhibit C - Received DOP episode approval from USACE

c) 8-30-17 Exhibit D -Per FC/RP email RWQCB does not need to approve the DOP for just one Episode .

d) 8-30-17 Exhibit E directive from FC/RP via email (BCDC Good News/Bad News)..."What I (RP) need is for you to make cosmetic edits to your DOP etc.... .

e) 9-11-17 Exhibit F SRCC's certified Land Surveyor (LS) Mike Buti completed every falsified/cosmetic edit(s) item(s) to the now revised and inaccurate pre dredge survey per the City's directive. SRCC and its LS emphatically stated for the record via email" There is no guaranty as to the accuracy of the volumes in the PRE-DREDGE QUANTITIES table."

f) 2-1-18 Exhibit G -Final Post Dredge Survey : 11,770 C/Y's Design Depth with revised bottom design of -5.0 MLLW and 1,904 C/Y's per one (1) foot over depth allowance for a total volume dredged equaling 13,674 C/Y's. The change in volumes was anticipated by SRCC per above Exhibit F which FC/RP stated for the record via the email statement in his 8/30/17 " When we submit the post dredging survey we (FC) will explain any discrepancies at that point."

b) SRCC denies the entire paragraph per VI.4 . On September 14th 2017 FC's consultant Robert Perrera (RP) SRCC personally delivered to BCDC via email and pdf attachments (Exhibit F1) consisting of , a revised new document annotated as DOP REV 2 accompanied by a wholly different pre dredge as noted and embedded on the modified survey by our LS .The previously noted 8/30/17 email is consistent with what FC incessantly directed SRCC to complete in order to solely satisfy the BCDC.

c) SRCC denies the entire paragraph per VI B.4b based on the same set of facts presented earlier where we denied :

1) The initial pre-dredge survey dated 8/3/17 indicated 14,130 c/y to achieve project depth of -5.025 MLLW and 2,200 c/y in the one foot over dredge allowance, for a total authorized dredge volume of 14,130 c/y. The numeric values stated by BCDC are the product of FC/RP having directed and insisted that SRCC make "cosmetic edits " etc.. to the then USACE and RWQCB approved DOP per the already referenced 8/30/17 email.

SRCC denies VI B.4c in its entirety based on the same facts represented immediately above the entire paragraph per VI B.4b

SRCC denies VI .B-5 specifically due to the fact(s) that Foster City's representative Robert Perrera took on full responsibility for the false survey data/"cosmetic edits" for which BCDC's

episode approval was issued via the email statement in his 8/30/17 " When we submit the post dredging survey we (FC) will explain any discrepancies at that point."

d) SRCC denies VI.B-9 specifically due to the same facts presented above being repeated again for ease to view which delineates maximum depth of -6.205 and total dredge volume at 14,130 c/y. Again RP stated for the record" When we (FC) submit the post dredging survey we will explain any discrepancies at that point.

a) SRCC denies the entire paragraph per VI .B-2a . The actual initial computed volumes that were measured from a known benchmark that SRCC was directed to utilize by Foster City (FC) was 14,130 cubic yards to a design depth of -5.205 MLLW plus one (1) foot of over dredge allowance. The initial volume and depth(s) just stated were collected and computed by Mike Buti Land Surveyor , LS 5092, and clearly represented via his Topographic pre dredge Survey map 8-3-2017 established herein as "Exhibit A".

Upon receipt of the initial pre dredge , Exhibit A, SRCC proceeded with the following customary submittals that were subsequently replied to by Foster City (FC) and DMMO members which are listed in the following chronological order :

a) 8-9-17 Exhibit B submitted DOP to Foster City (FC) and copied all DMMO agencies.

a-1) 8-16-17 Exhibit B1 FC per Robert Perrera (RP) confirms SRCC's request for clarification(s) that contract plans were not correct and indeed erroneous. Furthermore, totally revised plans NOT based on current measured field data will be drawn by Foster City and once completed delivered to SRCC. Upon receipt from FC our firm was further directed and urged by the City on numerous instances to revise our USACE approved DOP and 8/3/17 pre dredge survey with fabricated and false data for the FC to resubmit onto BCDC in order to procure the Commissions necessary episode approval.

b) 8-29-17 Exhibit C - Received DOP episode approval from USACE

c) 8-30-17 Exhibit D - Per FC/RP email RWQCB does not need to approve the DOP for just one Episode .

d) 8-30-17 Exhibit E - Directive from FC/RP via email (BCDC Good News/Bad News) ... "What I (RP) need is for you to make cosmetic edits to your DOP etc.... . .

e) 9-11-17 Exhibit F - SRCC's certified Land Surveyor (LS) Mike Buti (MB) completed every falsified/cosmetic edit(s) and item(s) requested and directed by FC/RP to the now revised and inaccurate pre dredge survey per the City's directive. SRCC and its LS emphatically stated for the record via email" There is no guaranty as to the accuracy of the volumes in the PRE-DREDGE QUANTITIES table."

f) 2-1-18 Exhibit G -Final Post Dredge Survey : 11,770 C/Y's Design Depth with revised bottom design of -5.0 MLLW and 1,904 C/Y's per one (1) foot over depth allowance for a total volume dredged equaling 13,674 C/Y's. The change in volumes was anticipated by SRCC per above Exhibit F which FC/RP stated for the record via the email statement in his 8/30/17 " When we submit the post dredging survey we (FC) will explain any discrepancies at that point."

3. Facts or allegations contained in the violation report of which you have no personal knowledge (with specific reference to paragraph number in the violation report):

- a) SRCC has no personal knowledge pertaining to the first two (2) sentences of VI.B-1.
- b) SRCC has no personal knowledge pertaining to the entirety of VI.B-6 due to the fact that SRCC was never provided a copy of any sort of the referenced "Post dredge Survey Report etc...(Post Dredge Report) from March 2nd 2018."

4. Other facts which may exonerate or mitigate your possible responsibility or otherwise explain your relationship to the possible violation (be as specific as you can; if you have or know of any documents, photographs, maps, letters, or other evidence that you believe are relevant, please identify it by name, date, type, and any other identifying information and provide the original or a copy if you can):

SRCC does request that BCDC provide us with the following items that SRCC became aware of while collating our Statement of Defense

- a) Item VI.B-6 para no.1: "Post Dredge Survey Report etc."..(in its entirety) submitted by FC/RP on March 2,2018.

5. Any other information, statement, etc. that you want to make:

6. Documents, exhibits, declarations under penalty of perjury or other materials that you have attached to this statement to support your answers or that you want to be made part of the administrative record for this enforcement proceeding (Please list in chronological order by date, author, title and enclose a copy with this completed form):

Recapitulation Of Exhibits - Attached & Enclosed

8/3/17 Exhibit A Mike Buti , Pre-Dredge Survey With Volumes

8/9/17 Exhibit B, SRCC, First DOP with initial pre-dredge survey with volumes

8/16/17 Exhibit B1,SRCC and Mike Buti Contract plans incorrect per FC/RP .

8/29/17 Exhibit C USACE Episode Approval

8/30/17 Exhibit D FC/RP Approvals RWQCB and USACE

8/30/17 Exhibit E FC/RP Directive for "cosmetic edits etc.

9/11/17 Exhibit F SRCC/MB(LS) No Guaranty As To Accuracy Of Final C/Y.
9/14/17 Exhibit F1 FC/RP Sent REVISED Documents to BCDC
2/1/18 Exhibit G SRCC/MB(LS) Final Post Dredge Survey With Volumes
8/1/18 Exhibit I MB(LS) Volume Below -6.5 MLLW.

7. Name of any person whose declaration under penalty of perjury was listed in the violation report as being part of the staff's case who the respondent wants to cross-examine, all documents about which you want to cross-examine the person, area or areas of information about which the respondent wants to cross-examine the witness, information that the respondent hopes to elicit in cross-examination, and the reason(s) why some other method of proving this information is unsatisfactory:

SRCC does not want to cross examine any person(s).

Statement of Defense Form

Enforcement Investigation ER2017.035;ER2018.021

VI C SOD Factual Responses

Richard Moseley and Salt River Construction Corporation

FAILURE (1) TO COMPLETE THIS FORM, (2) TO INCLUDE WITH THE COMPLETED FORM ALL DOCUMENTS, DECLARATIONS UNDER PENALTY OF PERJURY, AND OTHER EVIDENCE YOU WANT PLACED IN THE RECORD AND TO BE CONSIDERED BY THE COMMISSION, (3) TO LIST ANY WITNESSES WHOSE DECLARATION IS PART OF THE STAFF'S CASE AS IDENTIFIED IN THE VIOLATION REPORT THAT YOU WISH TO CROSS-EXAMINE, THE AREA OF KNOWLEDGE ABOUT WHICH YOU WANT TO CROSS-EXAMINE THE WITNESS, AND THE INFORMATION YOU HOPE TO ELICIT BY CROSS-EXAMINATION, AND (4) TO RETURN THE COMPLETED FORM AND ALL INCLUDED MATERIALS TO THE SAN FRANCISCO BAY CONSERVATION AND DEVELOPMENT COMMISSION STAFF OR TO CONTACT **MYLES SARON** OF THE SAN FRANCISCO BAY CONSERVATION AND DEVELOPMENT COMMISSION STAFF BY **JULY 31, 2018** MEANS THAT THE COMMISSION CAN REFUSE TO CONSIDER SUCH STATEMENTS AND EVIDENCE WHEN THE COMMISSION HEARS THIS MATTER.

DEPENDING ON THE OUTCOME OF FURTHER DISCUSSIONS THAT OCCUR WITH THE SAN FRANCISCO BAY CONSERVATION AND DEVELOPMENT COMMISSION ENFORCEMENT STAFF AFTER YOU HAVE COMPLETED AND RETURNED THIS FORM, ADMINISTRATIVE OR LEGAL ENFORCEMENT PROCEEDINGS MAY NEVERTHELESS BE INITIATED AGAINST YOU, IF THAT OCCURS, ANY STATEMENTS THAT YOU MAKE ON THIS FORM WILL BECOME PART OF THE ENFORCEMENT RECORD AND MAY BE USED AGAINST YOU.

YOU MAY WISH TO CONSULT WITH OR RETAIN AN ATTORNEY BEFORE YOU COMPLETE THIS FORM OR OTHERWISE CONTACT THE SAN FRANCISCO BAY CONSERVATION AND DEVELOPMENT COMMISSION ENFORCEMENT STAFF.

This form is enclosed with a violation report. The violation report indicates that you may be responsible for or in some way involved in either a violation of the Commission's laws, a Commission permit, or a Commission cease and desist order. The violation report summarizes what the possible violation involves, who may be responsible for it, where and when it occurred, if the Commission staff is proposing any civil penalty and, if so, how much, and other pertinent information concerning the possible violation.

This form requires you to respond to the alleged facts contained in the violation report, to raise any affirmative defenses that you believe apply, to request any cross-examination that you believe necessary, and to inform the staff of all facts that you believe may exonerate you of any legal responsibility for the possible violation or may mitigate your responsibility. This form also requires you to enclose with the completed statement of defense form copies of all written documents, such as letters, photographs, maps drawings, etc. and written declarations under penalty of perjury that you want the Commission to consider as part of this enforcement hearing. This form also requires you to identify by name any person whom you may want to cross-examine prior to the enforcement hearing on this matter, the area of knowledge that you want to cover in the cross-examination, the nature of the testimony that you hope to elicit, and the reasons that you believe other means of producing this evidence are unsatisfactory. Finally, if the staff is only proposing a civil penalty, i.e., no issuance of either a cease or desist order or a permit revocation order, this form allows you alternatively to pay the proposed fine without contesting the matter subject to ratification of the amount by the Commission.

IF YOU WANT TO CROSS-EXAMINE ANY PERSON ON WHOSE TESTIMONY THE STAFF HAS RELIED IN THE VIOLATION REPORT, YOU MUST COMPLETE PARAGRAPH SEVEN TO THIS STATEMENT OF DEFENSE FORM. THIS PARAGRAPH REQUIRES YOU TO SET OUT (1) THE NAME(S) OF THE PERSON(S) YOU WANT TO CROSS-EXAMINE, (2) REFERENCES TO ANY DOCUMENTS ABOUT WHICH YOU WANT TO CROSS-EXAMINE THE PERSON, (3) THE AREA OF KNOWLEDGE ABOUT WHICH YOU WANT TO CROSS-EXAMINE THE PERSON, (4) THE INFORMATION THAT YOU BELIEVE CAN BE ELICITED BY CROSS-EXAMINATION, AND (5) THE REASON WHY YOU BELIEVE THIS INFORMATION CANNOT BE PRESENTED BY DECLARATION OR OTHER DOCUMENT.

You should complete the form as fully and accurately as you can as quickly as you can and return it no later than 35 days after its having been mailed to you to the Commission's enforcement staff at the address:

**San Francisco Bay Conservation and Development Commission
455 Golden Gate Avenue, Suite 10600
San Francisco, California 94102**

If you believe that you have good cause for not being able to complete this form within 35 days of its having been mailed, please complete it to the extent that you can and within 35 days of the mailing of the violation report send the statement of defense form completed as much as possible with a written explanation of what additional information you need to complete the form in its entirety, how long it will take to obtain the additional information needed to complete the form, and why it will take longer than 35 days to obtain the additional information, send all of this to the Commission's staff at the above address. Following this procedure does not mean that the Executive Director will automatically allow you to take the additional time to complete the form. Only if the Executive Director determines that you have shown good cause for the delay and have otherwise complete the form as much as is currently possible will be grant an extension to complete the form.

If the staff violation report/complaint that accompanied this statement of defense form included a proposed civil penalty, you may, if you wish, resolve the civil penalty aspect of the alleged violation by simply providing to the staff a certified cashier's check in the amount of the proposed fine within the 35-day time period. If you choose to follow this alternative, the Executive Director will cash your check and place a brief summary of the violation and proposed penalty along with a notation that you are choosing to pay the penalty rather than contesting it on an administrative permit listing. If no Commissioner objects to the amount of the penalty, your payment will resolve the civil penalty portion of the alleged violation. If a Commissioner objects to the proposed payment of the penalty, the Commission shall determine by a majority of those present and voting whether to let the proposed penalty stand. If such a majority votes to let the proposed penalty stand, your payment will resolve the civil penalty portion of the alleged violation. If such a majority does not let the proposed penalty stand, the Commission shall direct the staff to return the money paid to you and shall direct you to file your completed statement of defense form and all supporting documents within 35 days of the Commission's action. Of course, you also have the opportunity of contesting the fine from the outset by completing this form and filing it and all supporting documents within 35 days of its having been mailed to you.

If you have any questions, please contact as soon as possible **MYLES SARON** of the Commission Staff at telephone number **415-352-3600**.

1. Facts or allegations contained in the violation report that you admit (with specific reference to the paragraph number in the violation report):

SRCC admits to VI.C-1 sentence #2.

SRCC admits to VI.C-2

SRCC admits to VI.C-3

SRCC admits to VI C-4 , first sentence.

SRCC admits to VI C-4, second sentence.

SRCC admits to VI C-5, first two (2) sentences ,with the proviso that Disposal Logs are an *estimate* of sediments dredged per scow disposal/offloading . Actual sediments dredged are computed in strict accord with final post dredge survey DMMO permit requirements hence final reported total volume equaling 13,674 c/y.

2. Facts or allegations contained in the violation report that you deny (with specific reference to paragraph number in the violation report):

SRCC denies the first sentence VI.C1 based on the information presented earlier in V1.B that FC's representative Robert Perrera unilaterally presented erroneous information to the BCDC whereby the actual total volume authorized to be dredged was falsified as 12,800 c/y instead of the true computed volume 14,130 c/y which took into account over three (3) years of accumulated sediment (last condition survey was 12/12/13) . SRCC's initial pre-dredge survey that was conducted on 8/3/2017 also corrected computation errors that Robert Perrera accounted for which served to increase the insitu accumulated sediments positioned within intended design elevation(s)/datum(s). FC chose not to inform BCDC of these changed site conditions and mathematical design computation errors. Instead RP changed and falsified numeric values in the DOP and pre-dredge with the sole intention of securing the needed Episode approval from BCDC so the needed maintenance dredging could commence posthaste. Prima facie to this end is where FC/Robert Perrera (RP) assured SRCC in a 8/30/17

email (per d-1 above)" When we (FC) submit the post dredging survey we will explain any discrepancies at that point."

VI.-C-5 denies the last full sentence and specifically, (1) and (2).

3. Facts or allegations contained in the violation report of which you have no personal knowledge (with specific reference to paragraph number in the violation report):

4. Other facts which may exonerate or mitigate your possible responsibility or otherwise explain your relationship to the possible violation (be as specific as you can; if you have or know of any documents, photographs, maps, letters, or other evidence that you believe are relevant, please identify it by name, date, type, and any other identifying information and provide the original or a copy if you can):

VI C-4 - The reasons and facts that approved maintenance dredged sediments continued to be offloaded through April 11, 2017 :

1) SRCC's maintenance dredging contract with Foster City (FC) recognized the final day for completion as 4/11/18 due to SRCC having to mobilize and install its own offloading system at Cullinan Ranch after Ducks Unlimited's offloading system proved to be unsatisfactory.

2) The Commission is correct that dredging was indeed finished on 2/1/2018. The final remaining *estimated* dredged sediments ,6,800 c/y , were offloaded as follows :

a) SRCC jobsite had the below listed scows and barges fully loaded as of February 1, 2018 :

Danny B - SRCC Hopper barge #1 *estimated* volume stored = 2,250 c/y

Miwok Chief - SRCC Hopper barge #2 *estimated* volume stored = 2,250 c/y

Dredge Scow #1 *estimated* volume stored = 500 c/y

Dredge Scow #2 *estimated* volume stored = 500 c/y

Dredge Scow #3 (Yellow Scow) *estimated* volume stored = 300 c/y

Dredge Scow #4 *estimated* volume stored = 500 c/y

Dredge Scow #5 (John Deere) *estimated* volume stored = 500 c/y

Total *Estimated* Dredged Sediments Stored = 6,800 c/y

SRCC asks that the Commission now keep the 4/11/18 final Disposal Log (Exhibit H) as a point of reference in order to easily understand all offloading at Cullinan after 2/1/18 :

2/3/18 JD (Dredge Scow #5) and Dredge Scow #4 were towed together to Cullinan and offloaded . Both JD (#5) and #4 were returned , now empty , whereby each had dredged sediments removed/transferred from the above listed five (5) remaining barges with this procedure being repeated three more times through 2/24/18. As indicated earlier sediments being removed/transferred included the two (2) larger estimated volume hopper barges. As the draft was lessened in the two (2) hopper scows the last three (3) off loadings at Cullinan were conducted ,with two (2) by the Danny B and one with the Miwok Chief . Our narrative explanation is consistent with entries by SRCC staff and illustrated by the Final Disposal Log.

5. Any other information, statement, etc. that you want to make:

SRCC wants to be certain that these facts are objectively taken into account by the

Commission :

- 1) The final post dredge survey provided a final design volume of 11,770 c/y and over depth allowance of 1,904 c/y for a total of 13,764 c/y.
- 2) SRCC stated previously in this SOD ,as stipulated by our LS Mike Buti , a computed and measured total volume dredged below -6.5 MLLW totals +/-twelve (12) c/y (Exhibit I)
- 3) SRCC elaborated earlier when providing our factual responses to VI. A subsection No. 5 under "Any other information , statement etc.." that merely turning an SRCC shallow draft tug or operating spuds when repositioning dredge scows within the permitted dredge border for this job and having revealing only a miniscule volume of twelve (12) c/y (Exhibit I) is a tribute to the SRCC's attention to detail when considered in comparison to entire episode dredging total of 13,674 c/y or +/- 0.08 % .
- 4) SRCC cannot stress enough that everyone involved with Foster City (FC) from city administrative staff to every designated consultant falsified measurements and data to BCDC by performing and incessantly directing SRCC and its surveyor to also conduct "cosmetic edits " for the sole purpose of securing the BCDC's episode approval so that dredging could proceed.

From the onset SRCC along with its LS stated our disapproval and displeasure both during phone calls and via email to FC that manipulating DMMO specified and required computed pre-dredge survey data would reveal itself when the final verifiable and accurate measurements of the final post dredge survey were submitted to all DMMO members.

The record is clear that FC and certainly Robert Perrera assured SRCC in a 8/30/17 email (Exhibit E) per d-1 above "When we (FC) submit the post dredging survey we will explain any discrepancies at that point."

SRCC is most anxious to be informed by the Commission where the facts presented may lead and will most certainly remain vigilant to that end.

6. Documents, exhibits, declarations under penalty of perjury or other materials that you have attached to this statement to support your answers or that you want to be made part of the administrative record for this enforcement proceeding (Please list in chronological order by date, author, title and enclose a copy with this completed form)

4/11/18 Exhibit H SRCC Final Disposal Log

8/30/17 Exhibit E FC/RP Directive for "cosmetic edits etc.

8/1/18 Exhibit I MB(LS) Volume Below -6.5 MLLW.

7. Name of any person whose declaration under penalty of perjury was listed in the violation report as being part of the staff's case who the respondent wants to cross-examine, all documents about which you want to cross-examine the person, area or areas of information about which the respondent wants to cross-examine the witness, information that the respondent hopes to elicit in cross-examination, and the reason(s) why some other method of proving this information is unsatisfactory:

None.

Statement of Defense Form

Enforcement Investigation ER2017.035;ER2018.021

VI D SOD Factual Responses

Richard Moseley and Salt River Construction Corporation

FAILURE (1) TO COMPLETE THIS FORM, (2) TO INCLUDE WITH THE COMPLETED FORM ALL DOCUMENTS, DECLARATIONS UNDER PENALTY OF PERJURY, AND OTHER EVIDENCE YOU WANT PLACED IN THE RECORD AND TO BE CONSIDERED BY THE COMMISSION, (3) TO LIST ANY WITNESSES WHOSE DECLARATION IS PART OF THE STAFF'S CASE AS IDENTIFIED IN THE VIOLATION REPORT THAT YOU WISH TO CROSS-EXAMINE, THE AREA OF KNOWLEDGE ABOUT WHICH YOU WANT TO CROSS-EXAMINE THE WITNESS, AND THE INFORMATION YOU HOPE TO ELICIT BY CROSS-EXAMINATION, AND (4) TO RETURN THE COMPLETED FORM AND ALL INCLUDED MATERIALS TO THE SAN FRANCISCO BAY CONSERVATION AND DEVELOPMENT COMMISSION STAFF OR TO CONTACT **MYLES SARON** OF THE SAN FRANCISCO BAY CONSERVATION AND DEVELOPMENT COMMISSION STAFF BY **JULY 31, 2018** MEANS THAT THE COMMISSION CAN REFUSE TO CONSIDER SUCH STATEMENTS AND EVIDENCE WHEN THE COMMISSION HEARS THIS MATTER.

DEPENDING ON THE OUTCOME OF FURTHER DISCUSSIONS THAT OCCUR WITH THE SAN FRANCISCO BAY CONSERVATION AND DEVELOPMENT COMMISSION ENFORCEMENT STAFF AFTER YOU HAVE COMPLETED AND RETURNED THIS FORM, ADMINISTRATIVE OR LEGAL ENFORCEMENT PROCEEDINGS MAY NEVERTHELESS BE INITIATED AGAINST YOU, IF THAT OCCURS, ANY STATEMENTS THAT YOU MAKE ON THIS FORM WILL BECOME PART OF THE ENFORCEMENT RECORD AND MAY BE USED AGAINST YOU.

YOU MAY WISH TO CONSULT WITH OR RETAIN AN ATTORNEY BEFORE YOU COMPLETE THIS FORM OR OTHERWISE CONTACT THE SAN FRANCISCO BAY CONSERVATION AND DEVELOPMENT COMMISSION ENFORCEMENT STAFF.

This form is enclosed with a violation report. The violation report indicates that you may be responsible for or in some way involved in either a violation of the Commission's laws, a Commission permit, or a Commission cease and desist order. The violation report summarizes what the possible violation involves, who may be responsible for it, where and when it occurred, if the Commission staff is proposing any civil penalty and, if so, how much, and other pertinent information concerning the possible violation.

This form requires you to respond to the alleged facts contained in the violation report, to raise any affirmative defenses that you believe apply, to request any cross-examination that you believe necessary, and to inform the staff of all facts that you believe may exonerate you of any legal responsibility for the possible violation or may mitigate your responsibility. This form also requires you to enclose with the completed statement of defense form copies of all written documents, such as letters, photographs, maps drawings, etc. and written declarations under penalty of perjury that you want the Commission to consider as part of this enforcement hearing. This form also requires you to identify by name any person whom you may want to cross-examine prior to the enforcement hearing on this matter, the area of knowledge that you want to cover in the cross-examination, the nature of the testimony that you hope to elicit, and the reasons that you believe other means of producing this evidence are unsatisfactory. Finally, if the staff is only proposing a civil penalty, i.e., no issuance of either a cease or desist order or a permit revocation order, this form allows you alternatively to pay the proposed fine without contesting the matter subject to ratification of the amount by the Commission.

IF YOU WANT TO CROSS-EXAMINE ANY PERSON ON WHOSE TESTIMONY THE STAFF HAS RELIED IN THE VIOLATION REPORT, YOU MUST COMPLETE PARAGRAPH SEVEN TO THIS STATEMENT OF DEFENSE FORM. THIS PARAGRAPH REQUIRES YOU TO SET OUT (1) THE NAME(S) OF THE PERSON(S) YOU WANT TO CROSS-EXAMINE, (2) REFERENCES TO ANY DOCUMENTS ABOUT WHICH YOU WANT TO CROSS-EXAMINE THE PERSON, (3) THE AREA OF KNOWLEDGE ABOUT WHICH YOU WANT TO CROSS-EXAMINE THE PERSON, (4) THE INFORMATION THAT YOU BELIEVE CAN BE ELICITED BY CROSS-EXAMINATION, AND (5) THE REASON WHY YOU BELIEVE THIS INFORMATION CANNOT BE PRESENTED BY DECLARATION OR OTHER DOCUMENT.

You should complete the form as fully and accurately as you can as quickly as you can and return it no later than 35 days after its having been mailed to you to the Commission's enforcement staff at the address:

**San Francisco Bay Conservation and Development Commission
455 Golden Gate Avenue, Suite 10600
San Francisco, California 94102**

If you believe that you have good cause for not being able to complete this form within 35 days of its having been mailed, please complete it to the extent that you can and within 35 days of the mailing of the violation report send the statement of defense form completed as much as possible with a written explanation of what additional information you need to complete the form in its entirety, how long it will take to obtain the additional information needed to complete the form, and why it will take longer than 35 days to obtain the additional information, send all of this to the Commission's staff at the above address. Following this procedure does not mean that the Executive Director will automatically allow you to take the additional time to complete the form. Only if the Executive Director determines that you have shown good cause for the delay and have otherwise complete the form as much as is currently possible will be grant an extension to complete the form.

If the staff violation report/complaint that accompanied this statement of defense form included a proposed civil penalty, you may, if you wish, resolve the civil penalty aspect of the alleged violation by simply providing to the staff a certified cashier's check in the amount of the proposed fine within the 35-day time period. If you choose to follow this alternative, the Executive Director will cash your check and place a brief summary of the violation and proposed penalty along with a notation that you are choosing to pay the penalty rather than contesting it on an administrative permit listing. If no Commissioner objects to the amount of the penalty, your payment will resolve the civil penalty portion of the alleged violation. If a Commissioner objects to the proposed payment of the penalty, the Commission shall determine by a majority of those present and voting whether to let the proposed penalty stand. If such a majority votes to let the proposed penalty stand, your payment will resolve the civil penalty portion of the alleged violation. If such a majority does not let the proposed penalty stand, the Commission shall direct the staff to return the money paid to you and shall direct you to file your completed statement of defense form and all supporting documents within 35 days of the Commission's action. Of course, you also have the opportunity of contesting the fine from the outset by completing this form and filing it and all supporting documents within 35 days of its having been mailed to you.

If you have any questions, please contact as soon as possible **MYLES SARON** of the Commission Staff at telephone number **415-352-3600**.

1. Facts or allegations contained in the violation report that you admit (with specific reference to the paragraph number in the violation report):

VI.D-1 SRCC admits to the third sentence.

VI.D-1 SRCC admits to fourth and fifth sentences.

2. Facts or allegations contained in the violation report that you deny (with specific reference to paragraph number in the violation report):

VI. D1 SRCC denies the third sentence due to the fact that the project dredging offloading operations were not completed until April 11,2018.

VI. D2 SRCC has no personal knowledge of this entire paragraph since our firm was not included in the referenced email by FC to BCDC . Neither was SRCC informed by FC that it was in contact with BCDC regarding the locations where our loaded dredge scows were moored while awaiting transport to Cullinan Ranch for final offloading.

VI. D3 SRCC denies this entire paragraph . Our reasons for taking exception here is that SRCC was not bound by our contract or permits to be certain that every facet which required that not only were fully qualified biological monitors to be present while SRCC was dredging but of equal import that monitors were to insure that every environmental and ecological item and tasks were taken into account.

3. Facts or allegations contained in the violation report of which you have no personal knowledge (with specific reference to paragraph number in the violation report):

VI.D-1 Per the first sentences SRCC has no personal knowledge that Mark D'Avignon emailed BCDC on March 27, 2018 or subsequently what the email described/transcribed

VI.D-1 SRCC has no personal knowledge of a photograph taken by Robert Perrera.

4. Other facts which may exonerate or mitigate your possible responsibility or otherwise explain your relationship to the possible violation (be as specific as you can; if you have or know of any documents, photographs, maps, letters, or other evidence that you believe are relevant, please identify it by name, date, type, and any other identifying information and provide the original or a copy if you can):

VI.D-2 On March 21, 2018, prior to bidding, SRCC sent the below email (Exhibit K) request for information (rfi) to FC which was replied to in **red text** by FC/Alan Shu on March 22, 2018

5) Is our interpretation of the bid documents correct that bidders are not required to hire, pay and/or deploy a/any qualified biological monitor(s)/biologists to perform any onsite activities and/or provide any studies, reporting, observations etc.. and that the City of Foster City is solely responsible for any and all facets noted herein?? **Contract requirements are included in the contract documents; more specifically but not limited as described in Section 01 1100, Summary of Work. Biological monitoring will be performed by the City.**

SRCC does not understand the reason why no one from FC or it's designated project consultants never informed us that dredge scows being used to conduct contract maintenance dredging for FC were possibly situated in an area that the Commission and others had expressed concern . FC and its designated Biological Monitor(s) were solely responsible for being certain that contract and all permits for this job were adhered to . In hindsight if SRCC's scows did indeed venture into areas of concern ,to the Commission and other regulatory agencies , while conducting permitted maintenance dredging ,FC/RP held the responsibility to immediately inform and direct us to take any necessary action(s) it deemed necessary .

The fact(s) remain and are clear that FC and its qualified consultants failed to ever inform SRCC that our dredge scows were possibly situated in sensitive ecological reserve sites, or that FC was in direct contact with BCDC by way of mapping and photos neither of which were ever shared with us.

SRCC has attached an email (Exhibit J) from Robert Perrera (RP) to FC/Alan Shu whereby RP states that on March 27, 2018 when asked by Mark with the USACE if he (RP) knew about excavators, barges in the Belmont Slough which Mark suspected were Salt River's etc.. RP informed Alan "I (RP) I told him I did not ..."

Clearly RP was in a designated position of authority and as FC's designated agent for the dredging project that he should have had intimate knowledge of whose barges Mark was inquiring and where scows were on that date and time .

5. Any other information, statement, etc. that you want to make:

SRCC's reasons for taking exception here is that SRCC was not bound by our agreement with FC to retain and/or deploy qualified biological consultants specified in our contract. FC had the sole care, custody and control as required to provide fully qualified biological monitors to be present not only while SRCC was dredging but of equal importance for monitors to be

were onsite daily to insure that every environmental and ecological item(s) and appurtenant corresponding task(s) were being fully satisfied .

SRCC fully recognizes the value and expertise which qualified biological monitors bring to any project involving marine construction site. SRCC wants to state for the record that whenever our firm has been responsible for providing biological monitoring of any nature we have satisfactorily fulfilled and exceeded any and every designated obligation, specification and requirement that was deemed environmentally necessary for marine work.

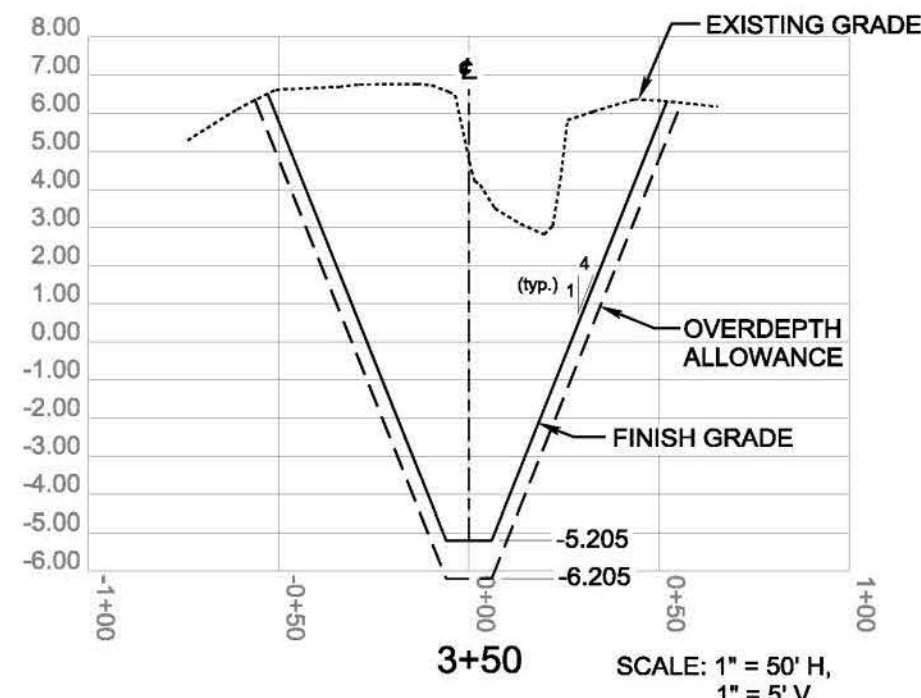
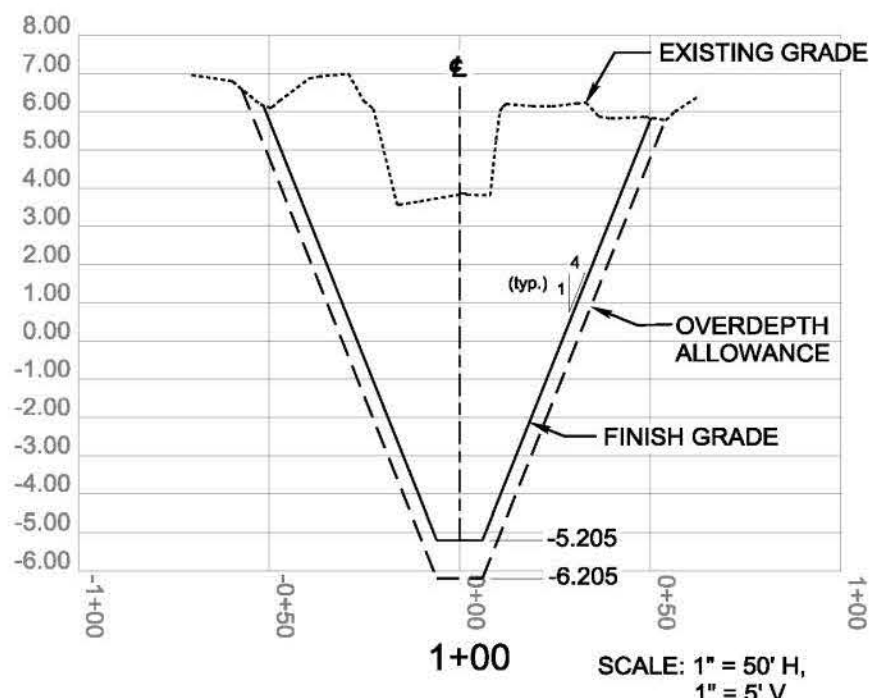
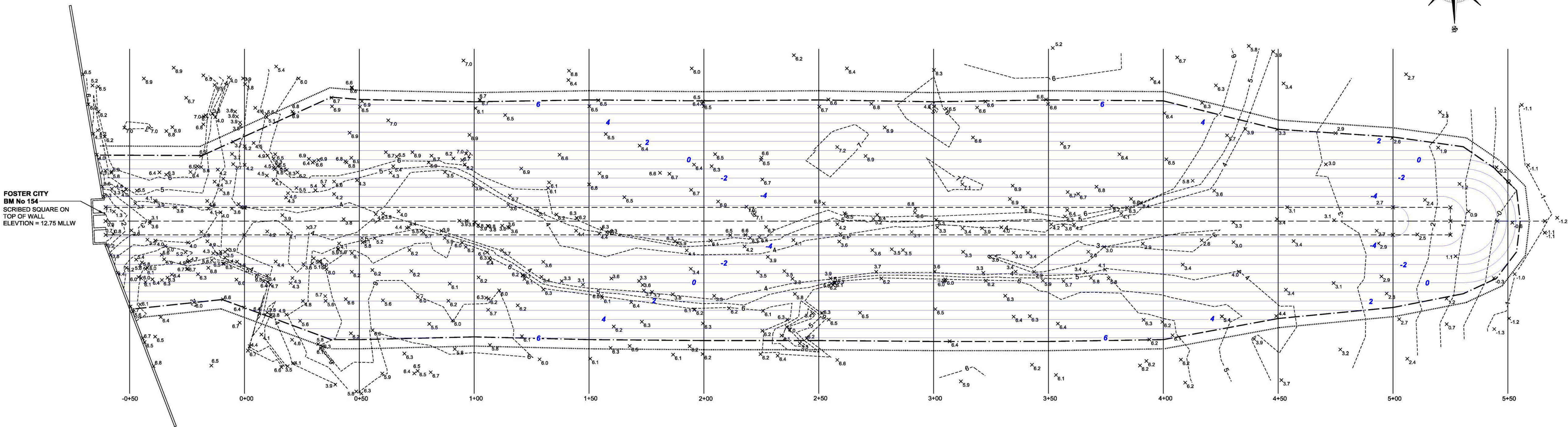
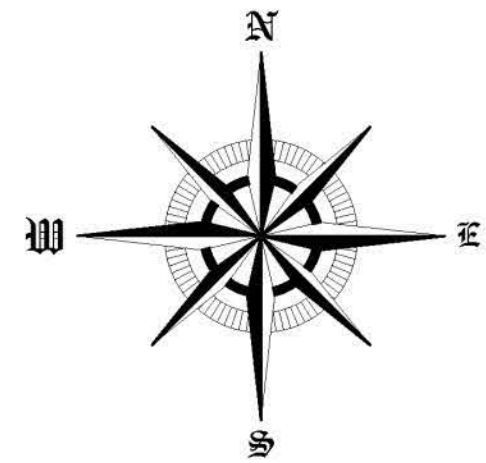
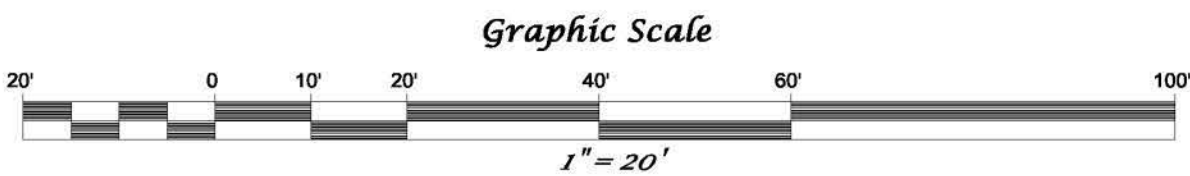
6. Documents, exhibits, declarations under penalty of perjury or other materials that you have attached to this statement to support your answers or that you want to be made part of the administrative record for this enforcement proceeding (Please list in chronological order by date, author, title and enclose a copy with this completed form):

3/27/18 Exhibit J - FC/RP email reply to Mark with USACE that RP had no knowledge of SRCC scows in/near Belmont Slough .

3/22/17 Exhibit K - FC Alan Shu : Response to rfi was that FC was solely responsible for biological monitors.

7. Name of any person whose declaration under penalty of perjury was listed in the violation report as being part of the staff's case who the respondent wants to cross-examine, all documents about which you want to cross-examine the person, area or areas of information about which the respondent wants to cross-examine the witness, information that the respondent hopes to elicit in cross-examination, and the reason(s) why some other method of proving this information is unsatisfactory:

NONE



| PRE-DREDGE QUANTITIES | | |
|-----------------------------|--------------------------------|----------------------------|
| DREDGE VOLUME (CUBIC YARDS) | OVERDEPTH VOLUME (CUBIC YARDS) | TOTAL VOLUME (CUBIC YARDS) |
| 11,930 | 2,200 | 14,130 |

| LEGEND | |
|--------|---|
| ----- | Contour Line 8-3-2017 |
| ----- | FINISH GRADE CONTOUR PER DREDGING PLAN |
| ----- | HINGE POINT, WHERE 4:1 SLOPE MEETS EXISTING GRADE |
| ----- | APPROXIMATE DREDGE LIMIT, 4:1 SLOPE EXTENDED TO OVERDEPTH ELEVATION |

NOTES:

- THE TOPOGRAPHIC SURVEY WAS COMPLETED ON 8-3-2017 USING CONVENTIONAL SURVEYING METHODS.
- ELEVATIONS ARE IN FEET AND TENTHS AND ARE REFERENCED TO MLLW.
- FOSTER CITY BENCH MARK No. 154, HAS A PUBLISHED NAVD88 ELEVATION OF 11.676', ADD 1.07', PER THE DREDGING PLAN, TO CONVERT TO MLLW. GIVES A MLLW ELEVATION OF 12.75' FOR THE BENCH MARK.
- COORDINATES ARE BASED ON CALIFORNIA COORDINATE SYSTEM, ZONE III, NAD 83.
- THE INFORMATION SHOWN ON THIS DRAWING IS BASED ON FIELD DATA TO ESTABLISH CONTOURS AND TOPOGRAPHIC FEATURES, AND DOES NOT REPRESENT THE ESTABLISHMENT OF BOUNDARY LINES.

SURVEYED AT THE REQUEST OF SALT RIVER CONSTRUCTION CORPORATION IN AUGUST, 2017.

MIKE BUTI



LS 5092

TOPOGRAPHIC MAP

PRE-DREDGE SURVEY - AUGUST 3, 2017
AT THE LAGOON INTAKE STRUCTURE
USACE PERMIT # 2015-00405S, EPISODE # 1
FOSTER CITY, CALIFORNIA

PREPARED BY:
MIKE BUTI LAND SURVEYOR
SONOMA, CALIFORNIA
(707) 996-1877

DREDGE OPERATION PLAN
FOR
MAINTENANCE DREDGING
AT THE FOSTER CITY LAGOON INTAKE STRUCTURE
U.S. ARMY CORP OF ENGINEERS PERMIT # 2015-00405S
BCDC PERMIT NO.
08/09/2017
EPISODE #1

| | |
|-----------------------------------|--|
| Dredging Contract: | Foster City Lagoon Intake Structure Dredging |
| Dredging Contractor: | Salt River Construction Corp. |
| Representative: | Rick Moseley (cell 415 601-1024,435-1024) |
| On-Site Dredge Operator: | Jack Wolf (530 448-6583 cell) |
| Proposed Dredging Start Date: | September 1st, 2017 |
| Dredging End Date: | November 30th, 2017 |
| Tugboats: | Double Eagle |
| Call Signs: | WDH5205 |
| Dredge Vessel/Dump Scow Capacity: | DB#1, DB#4, Danny B, Johnny B, Miwok Chief 350 CYS (1&4) + 1,000 CYS Hopper barge Capacity |
| Maintenance or new work: | Maintenance |
| Date of last dredging episode: | October 15th, 2014 |
| Type of dredging equipment; | Excavator Bucket Dredge |

Dredge Volumes:

| | |
|---------------------------------|--------------------|
| Design Depth Volume: | 11,930 Cubic Yards |
| Overdredge Volume: | 2,200 Cubic Yards |
| Total Volume, Inc. Over dredge: | 14,130 Cubic Yards |

Total Volume Inc. Over dredge of entire project: 14,130 cubic yards

Dredging Depths:

| | |
|---------------------------|---|
| Design Depth this Episode | -5.205' MLLW (along center line of channel) |
| Overdredge Allowance: | 1.0 ft. |
| Maximum Dredge Depth | -6.205' MLLW |

Special Note: The restored invert of the channel would be approximately 10 feet wide with 4:1 side slopes up to the adjacent mudflats.

| | |
|--------------------|---|
| Acres: | 1.33-acres within the West Intake Channel |
| Grid System: | All material will pass through a grizzly screen with openings not larger than 12 square inches. |
| Disposal Site: | Upland Disposal at Cullinan Ranch - See below disposal detail pump-off of material at Cullinan Ranch. |
| Dredging process: | Dredging will be performed by using an excavator mounted on a dump scow. The excavator has a mechanical arm with an attached bucket. The bucket will be lowered into the mud and with rotational action the bucket will scoop excavated material into the bucket. The excavator will then lift the material out of the cut, rotate and place material into the hopper of the scow (passing through the 12" by 12" grizzly). Once the barge is filled, it will be pushed to the disposal site with a tug boat. All mechanical dredging of material behind the docks and underneath the docks shall be dredged and loaded directly into the scow. If any scrapping is required during the course of this project, this will be allowed for clean up purposes only whereby the operator will immediately load any material scrapped from under the docks, directly to the barge with the mechanical bucket. A clarification that when dredging is ongoing the dredged sediment is to be placed in the scow for disposal, not back into the Bay for holding purposes, and that when a scow is full, dredging should stop and the scow emptied prior to starting dredging again unless another scow is available to be filled. |
| Dredging Controls: | Dredging depth will be controlled by installing tide staffs visible to the dredge operator and taking frequent soundings during the dredging operation. Depth of dredge cut will be controlled by referencing the tide staff to determine existing water surface elevation and lowering the excavator bucket to the design dredge depth aided by markings placed on the excavator arm. Location of dredging will be controlled by physically measuring and staking the limits of dredging off the existing docks |

in the area, and off benchmarks noted landside. Field notes shall be maintained noting dredge depths used to determine design depth has been achieved prior to moving to the next section of the dredge area.

An electronic positioning system for tracking the path of the barge to and from the disposal site, as well as positioning the dump barge at the dumpsite will be used. The system uses a ten channel GPS sensor and provides an accuracy of 3 to 5 meters. The track record of the path will be recorded every minute into the computer memory with a format that will display time and position coordinates.

Sensor locations:

The location of the antenna for the GPS is above the wheelhouse of the tugboat. The data collector computer is located adjacent to the boat captain in the wheelhouse of the tug boat. The tug boat is connected to the dump scow with steel cables and at the point of dumping the location of the GPS receiver is within 3 meters of the stern of the dump barge.

Notice to Coast guard:

Two weeks prior to commencing dredging, Salt River will provide written notification to the commander of the 11th Coast Guard District of activities affecting navigation.

Vessel Traffic Control:

Salt River will check into Vessel Traffic control when transiting the bay with their dump barge or any other barge. SRCC crew will be on the scene monitoring on VHF channels 13, 14, and 77.

Overflow and spillage:

The dump barge will not be allowed to overflow while loading or transporting material to the disposal site. The dredge operation and disposal crews will assure this through constant visual inspection.

Pre-dredge survey:

A pre-dredge survey was performed on August 3, 2017 and is enclosed with this DOP along with a typical cross section for review and approval.

Best Management Practices:

In order to reduce suspended sediment during dredging operations, we have the ability to control our backhoe movements to a more precise level than a clamshell bucket. We will place the backhoe bucket parallel to the bottom when removing accumulated sediment and carefully pull it towards the dredge then lift it vertically to the surface for deposition of the dredged material into the barge. Careful control of the bucket positions minimizes spillage and consequent suspended sediments.

While moving the barge and dredge rig into and out of the dredge area, low speeds will be maintained to impede or prevent any scouring that may occur as a result of vessel speed or traffic through the dredge area.

Project Status Correspondence:

Dump Logs will be submitted every Monday following the previous week of dredging. Commencement notices will be faxed to the Corps the day dredging begins. BCDC will be notified within 7 days of commencing dredging. Suspension and resumption of work will be faxed to the Corps if dredging is suspended for more than two days. A notice of completion will be faxed to the Corps after all dredging is complete.

**SOLID DEBRIS MANAGEMENT PLAN
FOR
MAINTENANCE DREDGING
AT THE FOSTER CITY LAGOON INTAKE STRUCTURE
U.S. ARMY CORP OF ENGINEERS PERMIT # 2015-00405S
BCDC PERMIT NO.
08/09/2017
EPISODE #1**

Any solid debris collected during the dredging activities will be removed from the “Grizzly” and placed on the dredge barge deck in suitable debris containers at least daily or more frequently if required. The debris collected on the dredge barge will be offloaded into debris boxes and disposed of at an approved upland solid debris disposal site suitable for the type of debris collected.

Sources of debris are likely to be items dropped or discarded by boaters into the waters surrounding the intake structure in Foster City. Such items may include food waste and containers, trash, dock or boat hardware, cans, bottles, rocks, etc.

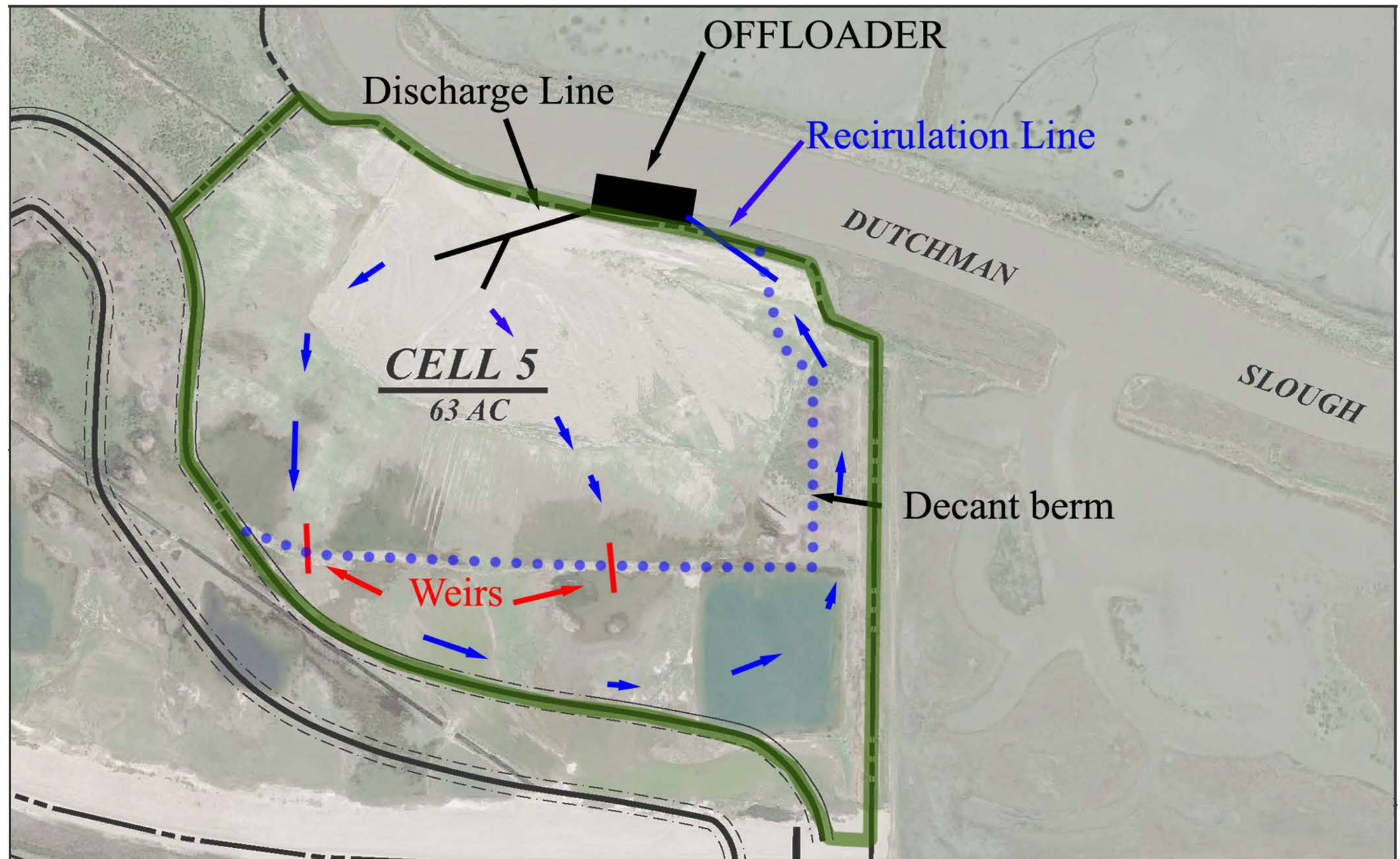
Although floating debris is not anticipated, Salt River will have a floating boom stowed onboard the dredge barge which could be used for containment of any floating debris. Such debris would be collected when encountered and deposited/secured onto the backside of our dump scows and disposed of as described above.

**UPLAND DISPOSAL PUMP-OFF PLAN AT CULLINAN RANCH
FOR
MAINTENANCE DREDGING
AT THE FOSTER CITY LAGOON INTAKE STRUCTURE
U.S. ARMY CORP OF ENGINEERS PERMIT # 2015-00405S
BCDC PERMIT NO.
08/09/2017
EPISODE #1**

Salt River Construction will be transporting our (3) Hopper Barges; Danny B, Johnny B, and Miwok Chief to Cullinan Ranch per the attached plan view and utilize our 10" Toyo Pump off the dredge material.

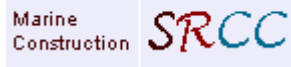
We will be pulling water from the slough through approved fish screens from the period of September 1st through November 30th, 2017.

- Attached is an exhibit showing the general authorized set up.
- Pumping distance would depend on material placed this season within cell 5 but is anticipated to be on the order of 300 feet.
- If pumped material flows reasonably we will not need to relocate the pipeline discharge. If it needs relocating they would need to perform that work.



**CULLINAN RANCH
DREDGE MANAGEMENT AREA**

Salt River Construction Corp



Salt River <contact@saltriverco.com>

Need Directive Due To Bid Set Plan Discrepancy For DOP

Robert Perrera <rperrera@h-bgroup.com>

Wed, Aug 16, 2017 at 12:17 PM

To: Salt River <contact@saltriverco.com>, Allan Shu <ashu@fostercity.org>

Cc: Terry Huffman <thuffman@h-bgroup.com>, "lisa@choweng.com" <lisa@choweng.com>

You are correct there is a discrepancy in the design depth shown on the plans and the specifications. I spoke to Lisa Kimura at Chow Engineering this morning and they are working to revise the plans to reflect a design depth of -5.062 MLLW. Once I receive the CAD file (hopefully tomorrow) I will forward it to you.

The design depth in our permits is -5.062 MLLW with a 1 foot overdredge so we cannot have a design depth of -5.205 in the DOP otherwise it will get rejected.

Call or email me if you have any questions.

Appreciate your help. RP

Robert Perrera

Senior Wetland Regulatory Scientist

Huffman-Broadway Group, Inc.

828 Mission Ave., San Rafael CA

Cell: 415.385.4106

www.h-bgroup.com**From:** Salt River [mailto:contact@saltriverco.com]**Sent:** Wednesday, August 16, 2017 10:08 AM**To:** Allan Shu <ashu@fostercity.org>; Robert Perrera <rperrera@h-bgroup.com>

8/24/2018

Salt River | Marine Construction Corporation Mail - Need Directive Due To Bid Set Plan Discrepancy For DOP

Cc: Terry Huffman <thuffman@h-bgroup.com>

Subject: Need Directive Due To Bid Set Plan Discrepancy For DOP

[Quoted text hidden]

Salt River Construction Corp

Marine
Construction

SRCC

Salt River <contact@saltriverco.com>

PRE DREDGE SURVEY & DOP @ -5.205 ACCEPTED FOR USACE REVIEW

3 messages

Salt River <contact@saltriverco.com>

Wed, Aug 16, 2017 at 2:45 PM

To: Robert Perrera <rperrera@h-bgroup.com>

Cc: Allan Shu <ashu@fostercity.org>, Terry Huffman <thuffman@h-bgroup.com>

Bcc: Mike Buti <mbuti@comcast.net>, Kevin Gorman <kevinagorman@gmail.com>

Robert & All :

Per your below email , understood that SRCC has complied with initial submittal of DOP which the USACE has decided is acceptable for review and probable acceptance.

Furthermore , the contract depth at -5.062 feet is acknowledged and recognized for actual field design dredging limits.

SRCC will be certain to inform our surveyor that its pre dredge survey work has been considered complete pending approval of all DMMO members .

Thank you.

SRCC

Salt River Construction Corporation**5643 Paradise Drive, Suite 8****Corte Madera, CA. 94925****P: 415-435-1024****F: 415-924-6248**

On Wed, Aug 16, 2017 at 2:33 PM, Robert Perrera <rperrera@h-bgroup.com> wrote:

Zack and Dave:

I spoke to Mark D'Avignon at the Corps and he said he would review the DOP with the -5.205 MLLW design depth and that a revised DOP would not be necessary since it is a small difference.

That being said the design depth in the field, and according to the contract, will be -5.062 feet MLLW. This will be reflected in the revised plans from Chow which I will forward to you once I receive them.

Appreciate your help. Best, RP

Robert Perrera

Senior Wetland Regulatory Scientist

Huffman-Broadway Group, Inc.

828 Mission Ave., San Rafael CA

Cell: 415.385.4106

www.h-bgroup.com

From: Robert Perrera

Sent: Wednesday, August 16, 2017 12:18 PM

To: 'Salt River' <contact@saltriverco.com>; Allan Shu <ashu@fostercity.org>

Cc: Terry Huffman <thuffman@h-bgroup.com>; 'lisa@choweng.com' <lisa@choweng.com>

Subject: RE: Need Directive Due To Bid Set Plan Discrepancy For DOP

You are correct there is a discrepancy in the design depth shown on the plans and the specifications. I spoke to Lisa Kimura at Chow Engineering this morning and they are working to revise the plans to reflect a design depth of -5.062 MLLW. Once I receive the CAD file (hopefully tomorrow) I will forward it to you.

The design depth in our permits is -5.062 MLLW with a 1 foot overdredge so we cannot have a design depth of -5.205 in the DOP otherwise it will get rejected.

Call or email me if you have any questions.

Appreciate your help. RP

Robert Perrera

Senior Wetland Regulatory Scientist

Huffman-Broadway Group, Inc.

828 Mission Ave., San Rafael CA

Cell: 415.385.4106

www.h-bgroup.com

From: Salt River [<mailto:contact@saltriverco.com>]
Sent: Wednesday, August 16, 2017 10:08 AM
To: Allan Shu <ashu@fostercity.org>; Robert Perrera <rperrera@h-bgroun.com>
Cc: Terry Huffman <thuffman@h-bgroun.com>
Subject: Need Directive Due To Bid Set Plan Discrepancy For DOP

Alan & Robert :

Ask that the below information provided by our surveyor be reviewed by the City .

Provided the City finds SRCC's revisions are indeed correct and accurate we have enclosed the corresponding edited DOP in both pdf and word .

If the City does not concur with our findings , SRCC asks to be directed how we are to proceed whereby the current total insitu measured volume to be dredged (which was verified on present accurate secured elevations) is as noted on the enclosed pre dredge at 14,130 C/Y's.

Please advise,

Thank you,

SRCC

Salt River Construction Corporation

5643 Paradise Drive, Suite 8

Corte Madera, CA. 94925

P: 415-435-1024

F: 415-924-6248

----- Forwarded message -----

From: Mike Buti <mbuti@comcast.net>
Date: Tue, Aug 15, 2017 at 12:12 PM
Subject: RE: Mike B : Foster City Dredge Operation Plan and Pre Dredge Survey - ATTACHED
To: Salt River <contact@saltriverco.com>

Hi SRCC,

In regards to the dredging depth, the plans "(CIP 301 -629) DREDGING AT THE LAGOON INTAKE STRUCTURE" prepared by CHOW ENGINEERING, clearly shows the bottom elevation for the dredging

at -5.205 feet MLLW. See drawing number C-3.1, page 5 of 7. The finish grade contours on the plans verify the stated bottom elevation of -5.205 feet. The distance between the -5' contour on the plans is 13.6395'.

13.6395 = distance between -5 finish grade contours

12.00 = width of the channel bottom

4:1 = side slope for the excavation

$(13.6395 - 12.00) = 1.6395$ = distance from -5' contour to channel bottom

$1.6395/2 = 0.81975 = 0.82$ = distance from -5' contour for each sides

$0.81975/4 = 0.2049375 = 0.205$ = distance below -5' contour

$-5 + -0.205 = -5.205$

In reviewing the project specifications I find that there is a discrepancy between the plans provided and the specifications. Design depth in the specifications is -5.062' with a maximum depth of -6.062.

The plans were relied on and assumed to be accurate, the finish grade and finish contours shown thereon were used to calculate the volumes.

The design depth volume would change to:

$-5.205 - -5.602 = 0.143$

$0.143 * 1.33 * 43560 / 27 = 307 \text{ yards} = 310$

Design Depth Volume: $11,930 - 310 = \underline{11,620 \text{ Cubic Yards}}$, the design depth yardage if -5.062 instead of -5.205 is used for the design depth.

Over Dredge Volume: would stay the same at 2,200 Cubic Yards.

Total Volume, Inc. Over Dredge: $11,620 + 2,200 = \underline{13,820 \text{ Cubic Yards}}$, the total yardage if -5.062 instead of -5.205 is used for the design depth.

Thanks, Mike

Robert Perrera <rperrera@h-bgroup.com>
To: Salt River <contact@saltriverco.com>
Cc: Allan Shu <ashu@fostercity.org>, Terry Huffman <thuffman@h-bgroup.com>

Thu, Aug 17, 2017 at 9:25 AM

Zack and Dave,

Below are links to our FTP site with the CAD files for the revised plans with a design depth of -5.062 and a PDF of the complete revised set of plans.

14R-104-C-2.00 + C-3.00_MLLW_8-16-17.dwg
<https://hbg.egnyte.com/dl/IOzK4Mweo9>

14R-104-C-3.1-3.2_Sections.dwg
<https://hbg.egnyte.com/dl/mOjrLf24HI>

14R-104_Final dwgs_8-16-2017.pdf
<https://hbg.egnyte.com/dl/hZxHjFh0zd>

Call me if you have any questions.

Rp

Robert Perrera

Senior Wetland Regulatory Scientist

Huffman-Broadway Group, Inc.

828 Mission Ave., San Rafael CA

Cell: 415.385.4106

www.h-bgroup.com

From: Salt River [mailto:contact@saltriverco.com]

Sent: Wednesday, August 16, 2017 2:46 PM

To: Robert Perrera <rperrera@h-bgroup.com>

Cc: Allan Shu <ashu@fostercity.org>; Terry Huffman <thuffman@h-bgroup.com>

Subject: PRE DREDGE SURVEY & DOP @ -5.205 ACCEPTED FOR USACE REVIEW

[Quoted text hidden]

Mike Buti <mbuti@comcast.net>
To: Salt River <contact@saltriverco.com>

Thu, Aug 17, 2017 at 9:29 AM

Do I need to correct the PRE DREDGE SURVEY to show the dredge depth of -5.062,

I can work on the revisions this morning.

Thanks, Mike

From: Salt River [mailto:contact@saltriverco.com]

Sent: Wednesday, August 16, 2017 2:46 PM

To: Robert Perrera

Cc: Allan Shu; Terry Huffman

Subject: PRE DREDGE SURVEY & DOP @ -5.205 ACCEPTED FOR USACE REVIEW

Robert & All :

[Quoted text hidden]

Salt River Construction Corp



Salt River <contact@saltriverco.com>

OK USFWS Informal Consultation (File# 08FBDT00-2016-0146)

Robert Perrera <rperrera@h-bgroup.com>

Wed, Aug 30, 2017 at 5:52 PM

To: Salt River <contact@saltriverco.com>, Allan Shu <ashu@fostercity.org>

Cc: Terry Huffman <thuffman@h-bgroup.com>, Jeff Moneda <jmoneda@fostercity.org>

Rick and Dave:

Good News is we will have the BCDC Permit tomorrow.

Bad news is BCDC wants the DOP to match what was put in the applications in terms of Depth and cubic yards of material being removed. The Corps and RWQCB did not seem to care they understand there are sometimes inconsistencies. Corps has approved the Episode and RWQCB said because it is just one Episode they do not need to approve it.

What I need is for you to make cosmetic edits to your DOP to match what we had in our permits and what the BCDC permit will say. When we submit the post-dredging survey we will explain any discrepancies at that point.

Attached is what was sent to BCDC.

1. For the Pre-Dredge Survey please edit the cross sections so the design depth numbers say -5.062 and -6.062.
2. For DOP please edit so design depth is -5.062 and -6.062; and total volume dredge is 12,800
3. Bottom width to say 10 feet wide.

I need this by COB tomorrow. If you don't have time I could make the changes using our Acrobat software since they are cosmetic....up to you.

Robert Perrera

Senior Wetland Regulatory Scientist

Huffman-Broadway Group, Inc.

828 Mission Ave., San Rafael CA

Cell: 415.385.4106

www.h-bgroup.com

From: Salt River [mailto:contact@saltriverco.com]

Sent: Monday, August 28, 2017 3:47 PM

To: Allan Shu <ashu@fostercity.org>

Cc: Terry Huffman <thuffman@h-bgroun.com>; Jeff Moneda <jmoneda@fostercity.org>; Robert Perrera <rperrera@h-bgroun.com>

Subject: OK USFWS Informal Consultation (File# 08FBDT00-2016-0146)

[Quoted text hidden]

2 attachments



20170809 REV DOP City of Foster City Lagoon Intake Dredging 5pgs (003).pdf
37K



1166-PRE-DREDGE TOPO (003).pdf
685K

DREDGE OPERATION PLAN
FOR
MAINTENANCE DREDGING
AT THE FOSTER CITY LAGOON INTAKE STRUCTURE
U.S. ARMY CORP OF ENGINEERS PERMIT # 2015-00405S
BCDC PERMIT NO.
08/09/2017
EPISODE #1

| | |
|-----------------------------------|---|
| Dredging Contract: | Foster City Lagoon Intake Structure Dredging |
| Dredging Contractor: | Salt River Construction Corp. |
| Representative: | Rick Moseley (cell 415 601-1024, 435-1024) |
| On-Site Dredge Operator: | Jack Wolf (530 448-6583 cell) |
| Proposed Dredging Start Date: | September 1st, 2017 |
| Dredging End Date: | November 30th, 2017 |
| Tugboats: | Double Eagle |
| Call Signs: | WDH5205 |
| Dredge Vessel/Dump Scow Capacity: | DB#1, DB#4, Danny B, Johnny B, Miwok Chief 350 CYS (1&4) + 1,000 CYS Hopper barge Capacity |
| Maintenance or new work: | Maintenance |
| Date of last dredging episode: | October, 1978 |
| Type of dredging equipment; | Excavator Bucket Dredge |

Dredge Volumes:

| | |
|---------------------------------|--------------------|
| Design Depth Volume: | 11,930 Cubic Yards |
| Overdredge Volume: | 2,200 Cubic Yards |
| Total Volume, Inc. Over dredge: | 14,130 Cubic Yards |

Handwritten annotations: "adjust over dredge volume" with an arrow pointing to the Design Depth Volume; "12,800" in a box with an arrow pointing to the Overdredge Volume; "12,800" in a box with an arrow pointing to the Total Volume.

Total Volume Inc. Over dredge of entire project: 14,130 cubic yards

Handwritten annotation: "-5.062" in a box with an arrow pointing to the total volume.

Dredging Depths:

| | |
|---------------------------|---|
| Design Depth this Episode | -5.205' MLLW (along center line of channel) |
| Overdredge Allowance: | 1.0 ft. |
| Maximum Dredge Depth | -6.205' MLLW |

Handwritten annotation: "-6.062" in a box with an arrow pointing to the Maximum Dredge Depth.

Special Note: The restored invert of the channel would be approximately 12 feet wide with 4:1 side slopes up to the adjacent mudflats.

10 feet wide

| | |
|--------------------|--|
| Acres: | 1.33-acres within the West Intake Channel |
| Grid System: | All material will pass through a grizzly screen with openings not larger than 12 square inches. |
| Disposal Site: | Upland Disposal at Cullinan Ranch - See below disposal detail pump-off of material at Cullinan Ranch. |
| Dredging process: | <p>Dredging will be performed by using an excavator mounted on a dump scow. The excavator has a mechanical arm with an attached bucket. The bucket will be lowered into the mud and with rotational action the bucket will scoop excavated material into the bucket. The excavator will then lift the material out of the cut, rotate and place material into the hopper of the scow (passing through the 12" by 12" grizzly). Once the barge is filled, it will be pushed to the disposal site with a tug boat. A clarification that when dredging is ongoing the dredged sediment is to be placed in the scow for disposal, not back into the Bay for holding purposes, and that when a scow is full, dredging should stop and the scow emptied prior to starting dredging again unless another scow is available to be filled.</p> |
| Dredging Controls: | <p>Dredging depth will be controlled by installing tide staffs visible to the dredge operator and taking frequent soundings during the dredging operation. Depth of dredge cut will be controlled by referencing the tide staff to determine existing water surface elevation and lowering the excavator bucket to the design dredge depth aided by markings placed on the excavator arm. Location of dredging will be controlled by physically measuring and staking the limits of dredging off the existing benchmark in the area, and off benchmarks noted landside. Field notes shall be maintained noting dredge depths used to determine design depth has been achieved prior to moving to the next section of the dredge area.</p> <p>An electronic positioning system for tracking the path of the barge to and from the disposal site, as</p> |

well as positioning the dump barge at the dumpsite will be used. The system uses a ten channel GPS sensor and provides an accuracy of 3 to 5 meters. The track record of the path will be recorded every minute into the computer memory with a format that will display time and position coordinates.

Sensor locations:

The location of the antenna for the GPS is above the wheelhouse of the tugboat. The data collector computer is located adjacent to the boat captain in the wheelhouse of the tug boat. The tug boat is connected to the dump scow with steel cables and at the point of dumping the location of the GPS receiver is within 3 meters of the stern of the dump barge.

Notice to Coast guard:

Two weeks prior to commencing dredging, Salt River will provide written notification to the commander of the 11th Coast Guard District of activities affecting navigation.

Vessel Traffic Control:

Salt River will check into Vessel Traffic control when transiting the bay with their dump barge or any other barge. SRCC crew will be on the scene monitoring on VHF channels 13, 14, and 77.

Overflow and spillage:

The dump barge will not be allowed to overflow while loading or transporting material to the disposal site. The dredge operation and disposal crews will assure this through constant visual inspection.

Pre-dredge survey:

A pre-dredge survey was performed on August 3, 2017 and is enclosed with this DOP along with a typical cross section for review and approval.

Best Management Practices:

In order to reduce suspended sediment during dredging operations, we have the ability to control our backhoe movements to a more precise level than a clamshell bucket. We will place the backhoe bucket parallel to the bottom when removing accumulated sediment and carefully pull it towards the dredge then lift it vertically to the surface for deposition of the dredged material into the barge.

Careful control of the bucket positions minimizes spillage and consequent suspended sediments.

While moving the barge and dredge rig into and out of the dredge area, low speeds will be maintained to impede or prevent any scouring that may occur as a result of vessel speed or traffic through the dredge area.

Project Status Correspondence:

Dump Logs will be submitted every Monday following the previous week of dredging. Commencement notices will be faxed to the Corps the day dredging begins. BCDC will be notified within 7 days of commencing dredging. Suspension and resumption of work will be faxed to the Corps if dredging is suspended for more than two days. A notice of completion will be faxed to the Corps after all dredging is complete.

**SOLID DEBRIS MANAGEMENT PLAN
FOR
MAINTENANCE DREDGING
AT THE FOSTER CITY LAGOON INTAKE STRUCTURE
U.S. ARMY CORP OF ENGINEERS PERMIT # 2015-00405S
BCDC PERMIT NO.
08/09/2017
EPISODE #1**

Any solid debris collected during the dredging activities will be removed from the “Grizzly” and placed on the dredge barge deck in suitable debris containers at least daily or more frequently if required. The debris collected on the dredge barge will be offloaded into debris boxes and disposed of at an approved upland solid debris disposal site suitable for the type of debris collected.

Sources of debris are likely to be items dropped or discarded by boaters into the waters surrounding the intake structure in Foster City. Such items may include food waste and containers, trash, dock or boat hardware, cans, bottles, rocks, etc.

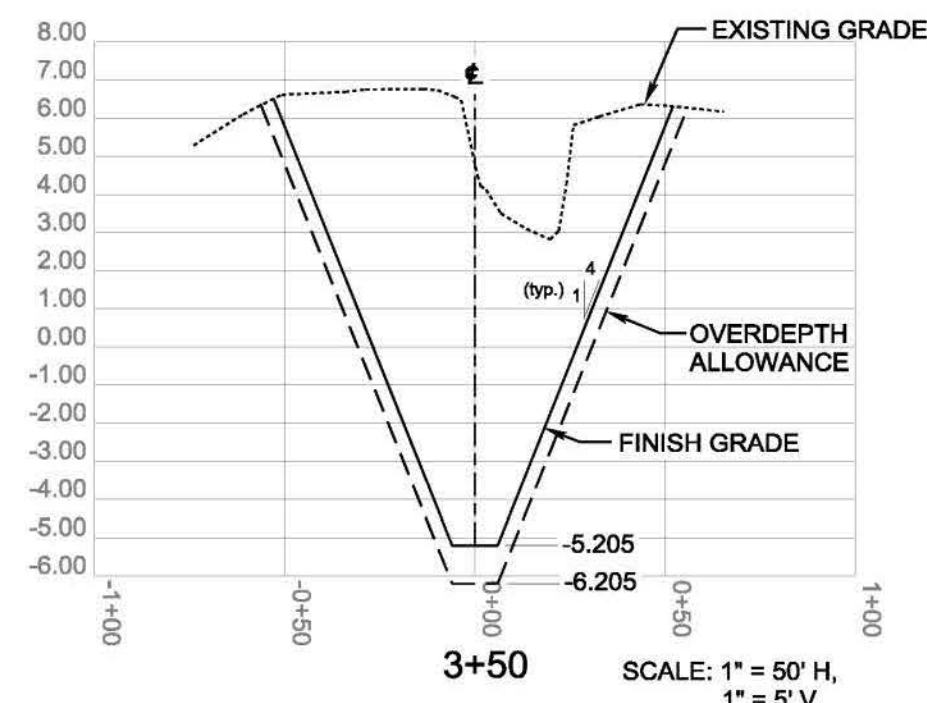
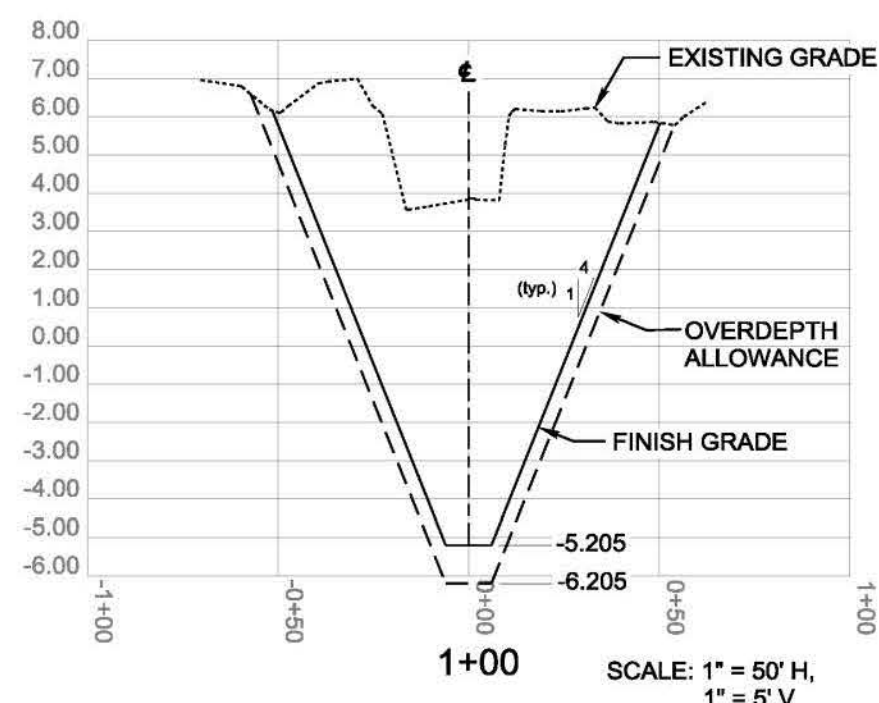
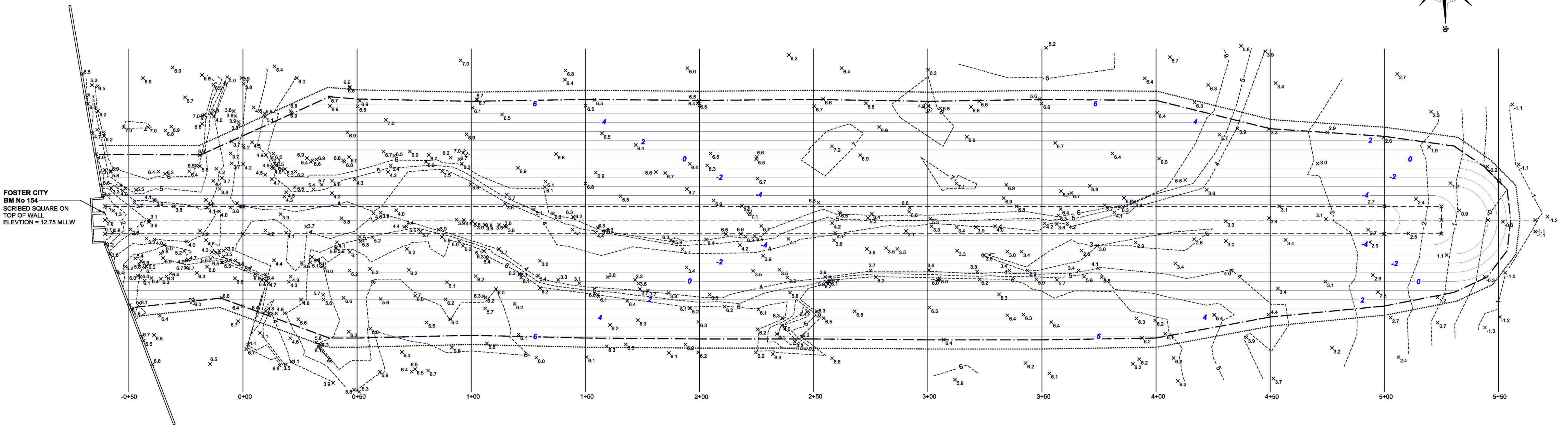
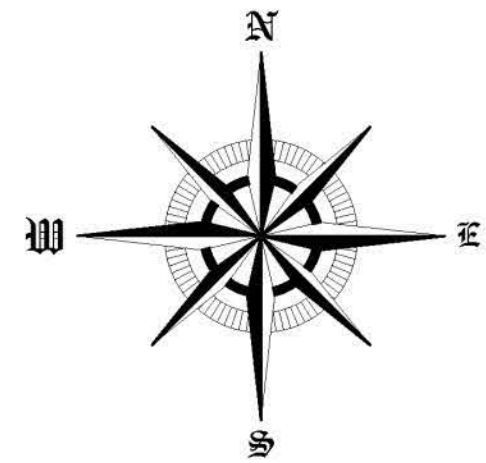
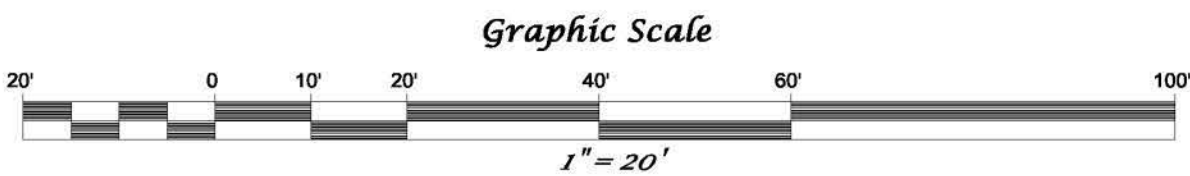
Although floating debris is not anticipated, Salt River will have a floating boom stowed onboard the dredge barge which could be used for containment of any floating debris. Such debris would be collected when encountered and deposited/secured onto the backside of our dump scows and disposed of as described above.

UPLAND DISPOSAL PUMP-OFF PLAN AT CULLINAN RANCH
FOR
MAINTENANCE DREDGING
AT THE FOSTER CITY LAGOON INTAKE STRUCTURE
U.S. ARMY CORP OF ENGINEERS PERMIT # 2015-00405S
BCDC PERMIT NO.
08/09/2017
EPISODE #1

Salt River Construction will be transporting our (3) Hopper Barges; Danny B, Johnny B, and Miwok Chief to Cullinan Ranch per the attached plan view and utilize our 10" Toyo Pump off the dredge material.

We will be pulling water from the slough through approved fish screens from the period of September 1st through November 30th, 2017.

- Attached is an exhibit showing the general authorized set up.
- Pumping distance would depend on material placed this season within cell 5 but is anticipated to be on the order of 300 feet.
- If pumped material flows reasonably we will not need to relocate the pipeline discharge. If it needs relocating they would need to perform that work.



| PRE-DREDGE QUANTITIES | | |
|-----------------------------|--------------------------------|----------------------------|
| DREDGE VOLUME (CUBIC YARDS) | OVERDEPTH VOLUME (CUBIC YARDS) | TOTAL VOLUME (CUBIC YARDS) |
| 11,930 | 2,200 | 14,130 |

| LEGEND | |
|--------|---|
| ----- | Contour Line 8-3-2017 |
| ----- | FINISH GRADE CONTOUR PER DREDGING PLAN |
| ----- | HINGE POINT, WHERE 4:1 SLOPE MEETS EXISTING GRADE |
| ----- | APPROXIMATE DREDGE LIMIT, 4:1 SLOPE EXTENDED TO OVERDEPTH ELEVATION |

NOTES:

- THE TOPOGRAPHIC SURVEY WAS COMPLETED ON 8-3-2017 USING CONVENTIONAL SURVEYING METHODS.
- ELEVATIONS ARE IN FEET AND TENTHS AND ARE REFERENCED TO MLLW.
- FOSTER CITY BENCH MARK No. 154, HAS A PUBLISHED NAVD88 ELEVATION OF 11.676', ADD 1.07', PER THE DREDGING PLAN, TO CONVERT TO MLLW. GIVES A MLLW ELEVATION OF 12.75' FOR THE BENCH MARK.
- COORDINATES ARE BASED ON CALIFORNIA COORDINATE SYSTEM, ZONE III, NAD 83.
- THE INFORMATION SHOWN ON THIS DRAWING IS BASED ON FIELD DATA TO ESTABLISH CONTOURS AND TOPOGRAPHIC FEATURES, AND DOES NOT REPRESENT THE ESTABLISHMENT OF BOUNDARY LINES.

SURVEYED AT THE REQUEST OF SALT RIVER CONSTRUCTION CORPORATION IN AUGUST, 2017.

MIKE BUTI



LS 5092

TOPOGRAPHIC MAP

PRE-DREDGE SURVEY - AUGUST 3, 2017
AT THE LAGOON INTAKE STRUCTURE
USACE PERMIT # 2015-00405S, EPISODE # 1
FOSTER CITY, CALIFORNIA

PREPARED BY:
MIKE BUTI LAND SURVEYOR
SONOMA, CALIFORNIA
(707) 996-1877

Salt River Construction Corp



Salt River <contact@saltriverco.com>

OK USFWS Informal Consultation (File# 08FBDT00-2016-0146)

Robert Perrera <rperrera@h-bgroup.com>

Wed, Aug 30, 2017 at 5:52 PM

To: Salt River <contact@saltriverco.com>, Allan Shu <ashu@fostercity.org>

Cc: Terry Huffman <thuffman@h-bgroup.com>, Jeff Moneda <jmoneda@fostercity.org>

Rick and Dave:

Good News is we will have the BCDC Permit tomorrow.

Bad news is BCDC wants the DOP to match what was put in the applications in terms of Depth and cubic yards of material being removed. The Corps and RWQCB did not seem to care they understand there are sometimes inconsistencies. Corps has approved the Episode and RWQCB said because it is just one Episode they do not need to approve it.

What I need is for you to make cosmetic edits to your DOP to match what we had in our permits and what the BCDC permit will say. When we submit the post-dredging survey we will explain any discrepancies at that point.

Attached is what was sent to BCDC.

1. For the Pre-Dredge Survey please edit the cross sections so the design depth numbers say -5.062 and -6.062.
2. For DOP please edit so design depth is -5.062 and -6.062; and total volume dredge is 12,800
3. Bottom width to say 10 feet wide.

I need this by COB tomorrow. If you don't have time I could make the changes using our Acrobat software since they are cosmetic...up to you.

Robert Perrera

Senior Wetland Regulatory Scientist

Huffman-Broadway Group, Inc.

828 Mission Ave., San Rafael CA

Cell: 415.385.4106

www.h-bgroup.com

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Cc: Terry Huffman <thuffman@h-bgroun.com>; Jeff Moneda <jmoneda@fostercity.org>; Robert Perrera <rperrera@h-bgroun.com>

Subject: OK USFWS Informal Consultation (File# 08FBDT00-2016-0146)

[Quoted text hidden]

2 attachments

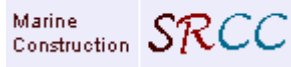


20170809 REV DOP City of Foster City Lagoon Intake Dredging 5pgs (003).pdf
37K



1166-PRE-DREDGE TOPO (003).pdf
685K

Salt River Construction Corp



Salt River <contact@saltriverco.com>

Mike : Surveyor Has Question(s)

Mike Buti <mbuti@comcast.net>
To: Salt River <contact@saltriverco.com>

Mon, Sep 11, 2017 at 2:12 PM

Hi,

Here are the changes to the Topo as requested by the City.

There is no guaranty as to the accuracy of the volumes in the PRE-DREDGE QUANTITIES table.

The 8-17-2017 are drawn with a 12 foot wide bottom width for the dredging.

The -5.0 contours are 12'+ apart and the bottom width of the sections scale 12'.

This email states that the plans should have been revised to show a 10' bottom width.

This will also decrease the dredge quantities further.

If this is the case I will have to create a new finish grade surface to compare to the actual amount dredged.

It would have been nice to have been given a correct set of plans.

Please verify the bottom width, this affects the location of the top of slope catch point and also the dredging volume.

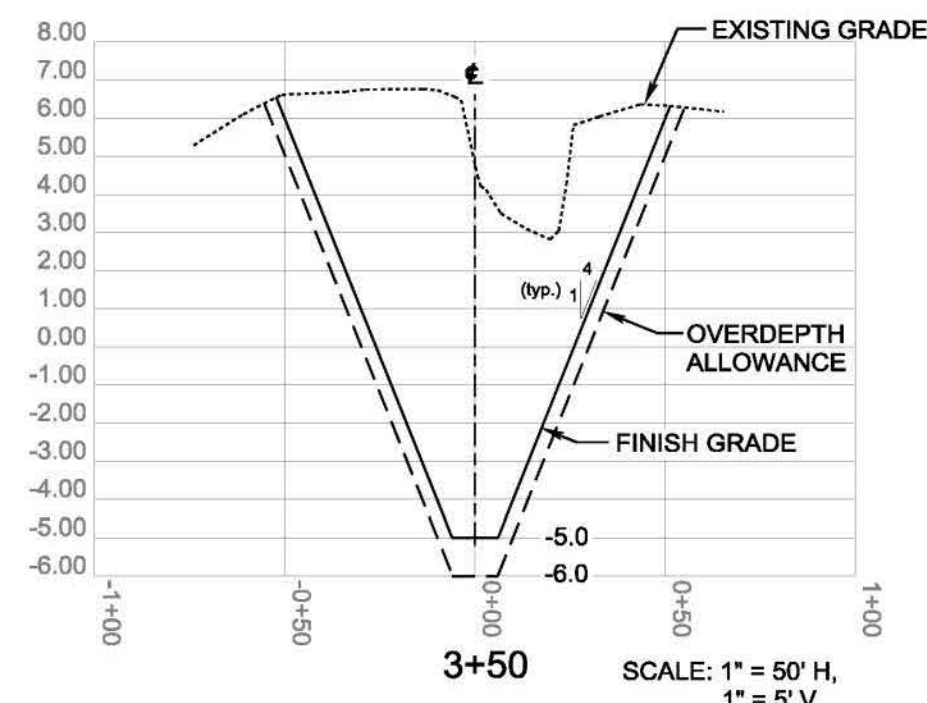
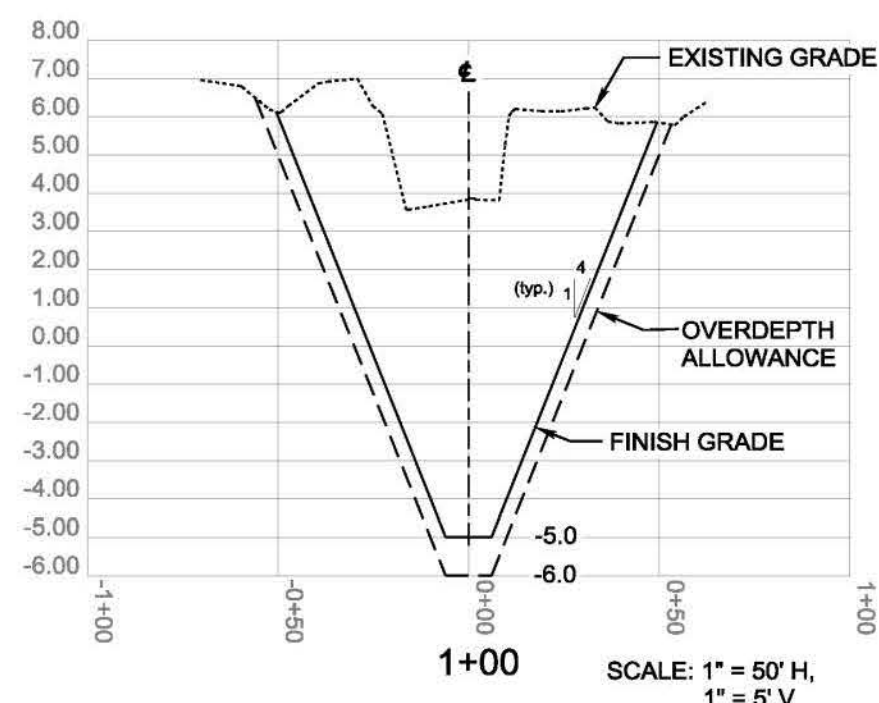
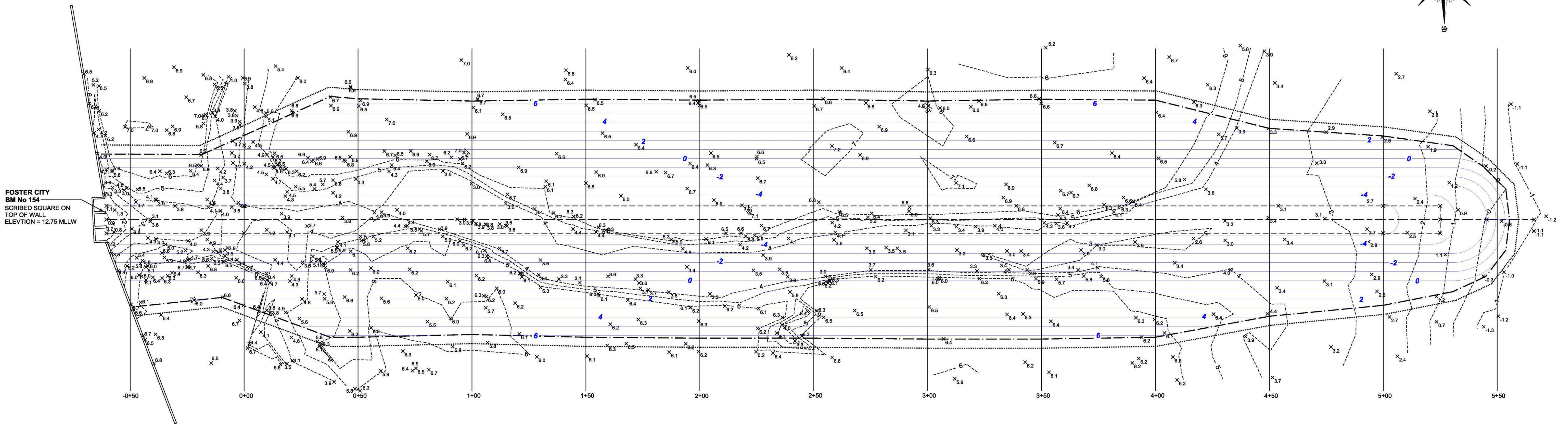
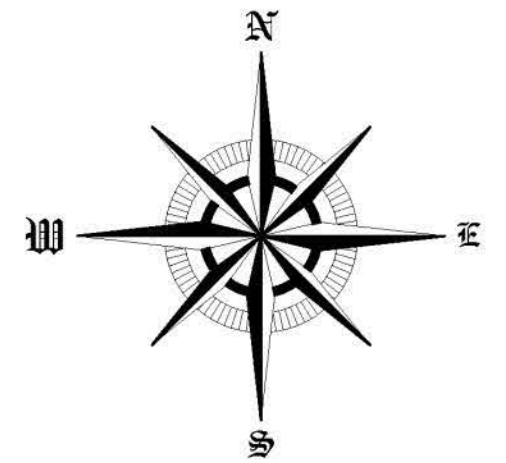
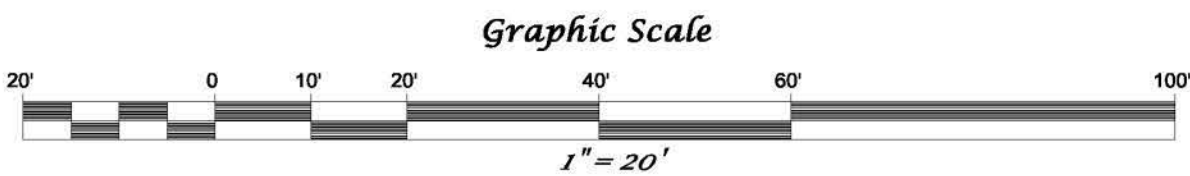
Thanks, Mike

From: Salt River [mailto:contact@saltriverco.com]
Sent: Monday, September 11, 2017 12:00 PM
To: Mike Buti
Cc: Kevin Gorman; Kevin Gorman
Subject: Mike : Surveyor Has Question(s)

[Quoted text hidden]



1166-PRE-DREDGE TOPO-UPDATED.pdf
679K



| PRE-DREDGE QUANTITIES | | |
|--------------------------------|-----------------------------------|-------------------------------|
| DREDGE VOLUME (CUBIC YARDS) | OVERDEPTH VOLUME (CUBIC YARDS) | TOTAL VOLUME (CUBIC YARDS) |
| 11,930 | 870 | 12,800 |

| LEGEND | |
|--------|--|
| ----- | Contour Line 8-3-2017 |
| ----- | FINISH GRADE CONTOUR PER DREDGING PLAN |
| ----- | HINGE POINT, WHERE 4:1 SLOPE MEETS EXISTING GRADE |
| ----- | APPROXIMATE DREDGE LIMIT, 4:1 SLOPE EXTENDED TO OVERDEPTH ELEVATION |

NOTES:

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SURVEYED AT THE REQUEST OF SALT RIVER CONSTRUCTION CORPORATION IN AUGUST, 2017.

Mike Buti
MIKE BUTI



LS 5092

"UPDATED 9-11-2017"

TOPOGRAPHIC MAP

PRE-DREDGE SURVEY - AUGUST 3, 2017
AT THE LAGOON INTAKE STRUCTURE
USACE PERMIT # 2015-00405S, EPISODE # 1
FOSTER CITY, CALIFORNIA

PREPARED BY:
MIKE BUTI LAND SURVEYOR
SONOMA, CALIFORNIA
(707) 996-1877

REVISIONS: 9-11-2017, Per comments by Robert Perrera

Salt River Construction Corp

Marine
Construction 

Salt River <contact@saltriverco.com>

Updated Survey Per Foster City

2 messages

Salt River <contact@saltriverco.com>

Thu, Sep 14, 2017 at 11:40 AM

To: Robert Perrera <rperrera@h-bgroup.com>

Cc: Allan Shu <ashu@fostercity.org>, Terry Huffman <thuffman@h-bgroup.com>

Bcc: Salt River <contact@saltriverco.com>

Robert : [415.385.4106](tel:415.385.4106)

Enclosed as requested .

Sincerely,

Salt River Construction Corporation
5643 Paradise Drive, Suite 8
Corte Madera, CA. 94925
P: 415-435-1024
F: 415-924-6248

On Thu, Sep 14, 2017 at 11:18 AM, Robert Perrera <rperrera@h-bgroup.com> wrote:

Rick and Dave,

Have you heard back from your surveyor? I need this as soon as possible as BCDC has asked about it several times.

Appreciate your help on this one. RP

Robert Perrera

Senior Wetland Regulatory Scientist

Huffman-Broadway Group, Inc.

828 Mission Ave., San Rafael CA

Cell: [415.385.4106](tel:415.385.4106)www.h-bgroup.com**From:** Salt River [mailto:contact@saltriverco.com]**Sent:** Monday, September 11, 2017 12:02 PM**To:** Robert Perrera <rperrera@h-bgroup.com>**Cc:** Allan Shu <ashu@fostercity.org>; Terry Huffman <thuffman@h-bgroup.com>**Subject:** Received all : Surveyor Has Question(s)

Robert :

Forwarded to our surveyor .

Thank you,

SRCC

Salt River Construction Corporation

5643 Paradise Drive, Suite 8

Corte Madera, CA. 94925

P: 415-435-1024

F: 415-924-6248

On Mon, Sep 11, 2017 at 11:43 AM, Robert Perrera <rperrera@h-bgroup.com> wrote:

Salt River,

To#1: BCDC requested the edits to reflect what they have permitted. The BCDC permit allows a maximum of 12,800 cy yards of material to be removed and a design depth of -5 feet and -6 feet respectively (not -5.062 and -6.062 must be -5 and -6 according to Brenda at BCDC) with a 10-foot-wide invert. BCDC wants the pre-dredge survey to reflect this. The updated CAD file I submitted to you on 8-17-2017 should reflect the 10-foot-wide invert and -5.062 and -6.062 design depth. I just need the depth numbers in your cross sections to use whole numbers and not use the 3 significant numbers and the table to reflect 12,800 cu yd maximum.

To#2: In addition to BCDC, I will submit the updated DOP and Pre-Dredge survey to Mark at the USACE and let him know the DOP and pre-dredge have been updated so he has it for his record and there is just one DOP and pre-dredge survey utilized. I will leave it up to Mark to determine if he wants to reissue the authorization but last time I spoke to him about this he did not have a concern so it is unlikely he will reissue he will just make a not in the file.

To#2: So there is no confusion on which Pre-dredge survey to use you can title it *"Update"* or *"Supersedes Pre-Dredge Survey X"* and I will Cc Salt River when I submit the updated DOP and Pre-Dredge Survey to Mark at USACE and Brenda at BCDC so it is clear which DOP and Pre-Dredge Survey you are using.

Call me if you have any questions or additional concerns.

Appreciate your help. Best, RP

Robert Perrera

Senior Wetland Regulatory Scientist

Huffman-Broadway Group, Inc.

828 Mission Ave., San Rafael CA

Cell: 415.385.4106

www.h-bgroup.com

From: Salt River [mailto:contact@saltriverco.com]

Sent: Monday, September 11, 2017 10:47 AM

To: Robert Perrera <rperrera@h-bgroup.com>

Cc: Allan Shu <ashu@fostercity.org>; Terry Huffman <thuffman@h-bgroup.com>

Subject: Surveyor Has Question(s)

Robert:

Our surveyor asked us earlier this morning -

1) Whom is requesting that the pre dredge quantities that I compiled be changed to 12,800 C/Y's as this value is not accurate as it relates to my data and measurements ??

2) I am not comfortable having two (2) different pre dredge surveys being utilized by DMMO members as first one as I understand was previously accepted by the Army Corps and RWQCB , so why is a second and different pre dredge with completely different values being asked from me now ??

SRCC answered with the following :

To #1 - The BCDC .

To #2 - We have not and are not currently able to respond to the second question and hereby request that the City provide us with a suitable reply that we can relay to our surveyor that will serve to satisfy him ??

In relation to #2 SRCC also just realized that by following BCDC's instructions there will then also be two (2) different DOP's having been submitted to the DMMO which is not an action we have ever been associated with ??

SRCC has enclosed these for all concerned to view in conjunction with our surveyors above question #2 , the USACE approved survey, the requested changes from the BCDC via the City and the present approved DOP .

Please advise,

Thank you,

SRCC

Salt River Construction Corporation

5643 Paradise Drive, Suite 8

Corte Madera, CA. 94925

P: 415-435-1024

F: 415-924-6248

On Wed, Sep 6, 2017 at 4:37 PM, Robert Perrera <rperrera@h-bgroup.com> wrote:

Thank you.

We will still need the updated Pre-Dredge Topographic Map from your surveyors to provide to BCDC before dredging can begin.

Robert Perrera

Senior Wetland Regulatory Scientist

Huffman-Broadway Group, Inc.

828 Mission Ave., San Rafael CA

Cell: 415.385.4106

www.h-bgroup.com

From: Salt River [mailto:contact@saltriverco.com]

Sent: Wednesday, September 06, 2017 1:40 PM

To: Allan Shu <ashu@fostercity.org>

Cc: Terry Huffman <thuffman@h-bgroup.com>; Robert Perrera <rperrera@h-bgroup.com>

Subject: Foster City Dredging Project Schedule - See Attached

Allan,

Please see the enclosed project schedule and confirm receipt at your earliest opportunity.

Thank you.

SRCC

Salt River Construction Corporation

5643 Paradise Drive, Suite 8

Corte Madera, CA. 94925

P: 415-435-1024

F: 415-924-6248

On Fri, Sep 1, 2017 at 10:16 AM, Salt River <contact@saltriverco.com> wrote:

Allan :

SRCC received all .

Really appreciate the initial payment being mailed out to us.

Everyone , enjoy the extended weekend and be safe .

Thank you,

Zack, Dave & Rick

Salt River Construction Corporation

5643 Paradise Drive, Suite 8

Corte Madera, CA. 94925

P: 415-435-1024

F: 415-924-6248

On Fri, Sep 1, 2017 at 9:43 AM, Allan Shu <ashu@fostercity.org> wrote:

Hi Rick/Dave – Per your request, attached is the updated NTP letter with the revised commencement date of September 11, 2017. Please submit your schedule in accordance with the revised commencement date by September 6th and notify applicable agencies of commencement date. In addition, we'll need to schedule the pre-construction orientation with Huffman-Broadway before work can begin.

BTW, the first progress payment check was mailed out yesterday. If not today, you should get it early next week.

-Allan

Allan Shu, P.E.

Public Works Engineering

City of Foster City/EMID

650/286-3271

From: Salt River [mailto:contact@saltriverco.com]

Sent: Thursday, August 31, 2017 3:00 PM

To: Allan Shu

Cc: Terry Huffman (thuffman@h-bgroup.com); Robert Perrera; Jeff Moneda

Subject: Alan : BCDC - DOP Approval

Alan :

Good going by all on securing the permit .

SRCC is swamped today with several tasks that has had us mostly in and out of the office and unfortunately to be shortly in the thick of traffic.

As such we expect to deliver our schedule in the am tomorrow which will be most certain to identify the specific tasks/items noted in your below email as to when SRCC will have needed persons at both initial required items noted below.

In light of receiving the last needed permit just in advance of this holiday weekend you may anticipate that our schedule will reflect that the NTP not be issued for September 1st as you had alluded to us might be the case earlier this week.

Appreciate your continued cooperation.

Thank you,

SRCC

Salt River Construction Corporation

5643 Paradise Drive, Suite 8

Corte Madera, CA. 94925

P: 415-435-1024

F: 415-924-6248

On Thu, Aug 31, 2017 at 9:16 AM, Allan Shu <ashu@fostercity.org> wrote:

Hi Rick/Dave,

We'll have the permit in hand later today and will send you a soft copy via email.

Are you planning on being on-site tomorrow per the NTP? We'll need to schedule with Huffman to do a pre-construction orientation and environmental awareness training per the Mitigation and Monitoring Reporting Program. Let me know when your crew is available to do this training. Also, please submit your baseline construction schedule. Thanks.

-Allan

Allan Shu, P.E.

Public Works Engineering

City of Foster City/EMID

650/286-3271

From: Salt River [mailto:contact@saltriverco.com]

Sent: Thursday, August 31, 2017 9:03 AM

To: Robert Perrera

Cc: Terry Huffman (thuffman@h-bgroup.com); Allan Shu; Jeff Moneda

Subject: BCDC - DOP Approval

Robert :

Ask if you would proceed with the cosmetic annotations .

Thank you,

SRCC

Salt River Construction Corporation

5643 Paradise Drive, Suite 8

Corte Madera, CA. 94925

P: 415-435-1024

F: 415-924-6248

----- Forwarded message -----

From: **Robert Perrera** <rperrera@h-bgroup.com>

Date: Wed, Aug 30, 2017 at 5:52 PM

Subject: RE: OK USFWS Informal Consultation (File# 08FBDT00-2016-0146)

To: Salt River <contact@saltriverco.com>, Allan Shu <ashu@fostercity.org>

Cc: Terry Huffman <thuffman@h-bgroup.com>, Jeff Moneda <jmoneda@fostercity.org>

Rick and Dave:

Good News is we will have the BCDC Permit tomorrow.

Bad news is BCDC wants the DOP to match what was put in the applications in terms of Depth and cubic yards of material being removed. The Corps and RWQCB did not seem to care they understand there are sometimes inconsistencies. Corps has approved the Episode and RWQCB said because it is just one Episode they do not need to approve it.

What I need is for you to make cosmetic edits to your DOP to match what we had in our permits and what the BCDC permit will say. When we submit the post-dredging survey we will explain any discrepancies at that point.

Attached is what was sent to BCDC.

1. For the Pre-Dredge Survey please edit the cross sections so the design depth numbers say -5.062 and -6.062.
2. For DOP please edit so design depth is -5.062 and -6.062; and total volume dredge is 12,800
3. Bottom width to say 10 feet wide.

I need this by COB tomorrow. If you don't have time I could make the changes using our Acrobat software since they are cosmetic...up to you.

Robert Perrera

Senior Wetland Regulatory Scientist

Huffman-Broadway Group, Inc.

828 Mission Ave., San Rafael CA

Cell: 415.385.4106

www.h-bgroup.com

From: Salt River [mailto:contact@saltriverco.com]
Sent: Monday, August 28, 2017 3:47 PM
To: Allan Shu <ashu@fostercity.org>
Cc: Terry Huffman <thuffman@h-bgroup.com>; Jeff Moneda <jmoneda@fostercity.org>; Robert Perrera <rperrera@h-bgroup.com>
Subject: OK USFWS Informal Consultation (File# 08FBDT00-2016-0146)

Allan:

Understood .

Thanks,

SRCC

Salt River Construction Corporation

5643 Paradise Drive, Suite 8

Corte Madera, CA. 94925

P: 415-435-1024

F: 415-924-6248

On Mon, Aug 28, 2017 at 1:16 PM, Allan Shu <ashu@fostercity.org> wrote:

Hi Rick/Dave – As you can see from the email thread below, we are very close to getting the permit from BCDC. Robert is on the case and we'll notify you as soon as we get permission to start work. I will amend the NTP date if necessary. Call if you have any questions. Thanks.

-Allan

Allan Shu, P.E.

Public Works Engineering

City of Foster City/EMID

[650/286-3271](tel:6502863271)

From: Robert Perrera [mailto:rperrera@h-bgroup.com]
Sent: Monday, August 28, 2017 1:03 PM
To: Lydon, Anniken@BCDC

Cc: Allan Shu; Terry Huffman

Subject: RE: USFWS Informal Consultation (File# 08FBDT00-2016-0146)

Please let the person reviewing it know to contact me when it is ready so I can pick it up and hand deliver it to the City for signature...it is critical we get started as soon as possible to ensure we can complete this on time.

Who is reviewing it so if you are gone and can follow-up with that person?

Appreciate your hard work on this. Best, RP

FYI: I will be at the Corps office on Wednesday from 10-1PM.

Robert Perrera

Senior Wetland Regulatory Scientist

Huffman-Broadway Group, Inc.

828 Mission Ave., San Rafael CA

Cell: 415.385.4106

www.h-bgroup.com

From: Lydon, Anniken@BCDC [<mailto:anniken.lydon@bcdca.gov>]

Sent: Monday, August 28, 2017 12:14 PM

To: Robert Perrera <rperrera@h-bgroup.com>

Subject: Re: USFWS Informal Consultation (File# 08FBDT00-2016-0146)

Hi Robert,

Thank you for sending this over. I have sent the permit amendment to my boss for review. But, we have a large workload at the moment, so it may take a few days for review.

I will be on vacation on Thursday and Friday of this week. I will try to get everything out before I leave, but the permit may be issued later in the week.

Also, did you want us to mail the permit out, or are you having someone from the city pick up the permit and sign it at our office? Please keep in mind that the city cannot start any work until we have a signed copy of the executed permit in our office.

Feel free to give me a call if you have any questions.

Thank you,

Anniken

Anniken Lydon

Coastal Program Analyst

San Francisco Bay Conservation and Development Commission

455 Golden Gate Avenue Suite 10600

San Francisco, CA 94012

Phone: [415-352-3624](tel:415-352-3624)

Email: anniken.lydon@bcdcd.ca.gov



1166-PRE-DREDGE TOPO-UPDATED.pdf
679K

Robert Perrera <rperrera@h-bgroup.com>

To: Salt River <contact@saltriverco.com>

Cc: Allan Shu <ashu@fostercity.org>, Terry Huffman <thuffman@h-bgroup.com>

Thu, Sep 14, 2017 at 11:43 AM

Thank you I will email this to BCDC and the Corps.

Best, RP

Robert Perrera

Senior Wetland Regulatory Scientist

Huffman-Broadway Group, Inc.

828 Mission Ave., San Rafael CA

Cell: 415.385.4106

www.h-bgroup.com

From: Salt River [mailto:contact@saltriverco.com]

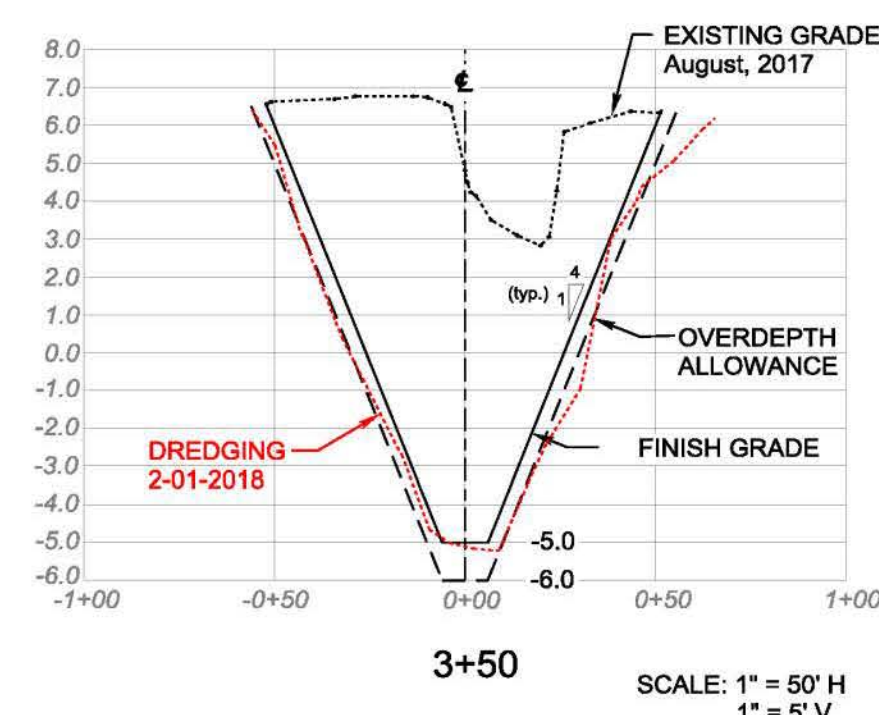
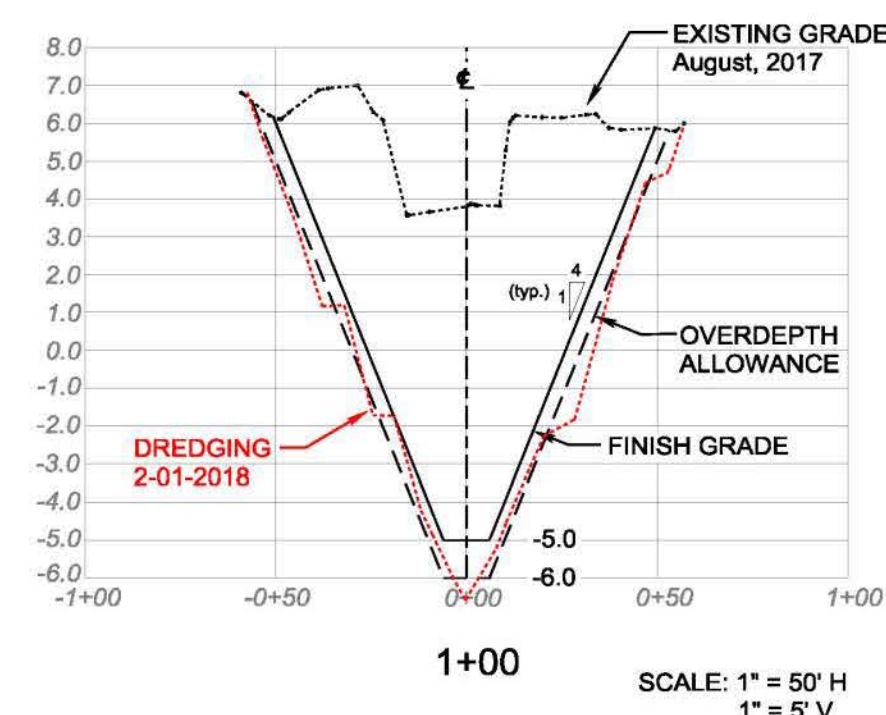
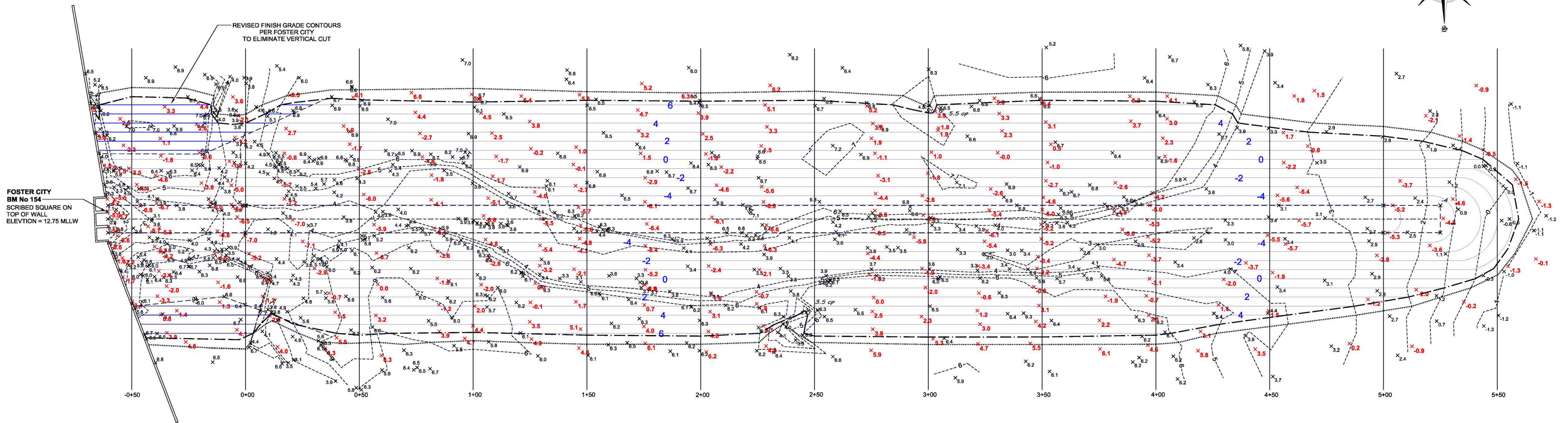
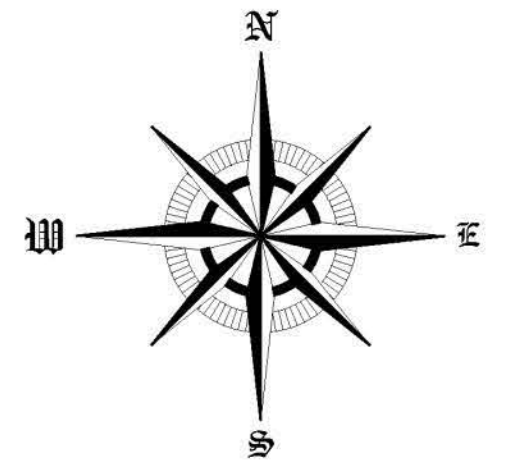
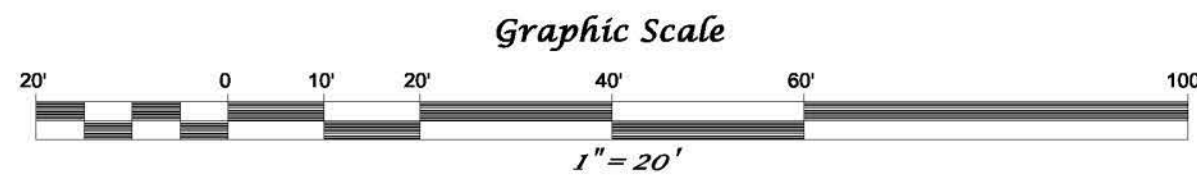
Sent: Thursday, September 14, 2017 11:40 AM

To: Robert Perrera <rperrera@h-bgroup.com>

Cc: Allan Shu <ashu@fostercity.org>; Terry Huffman <thuffman@h-bgroup.com>

Subject: Updated Survey Per Foster City

[Quoted text hidden]



CALCULATED VOLUMES are BASED on the
REVISED DESIGN BOTTOM of -5.0' with 4:1 side slopes
and the REVISED FINISH GRADE CONTOURS

| PRE-DREDGE QUANTITIES | | |
|--------------------------------|-----------------------------------|-------------------------------|
| DREDGE VOLUME (CUBIC YARDS) | OVERDEPTH VOLUME (CUBIC YARDS) | TOTAL VOLUME (CUBIC YARDS) |
| 11,800 | 2,298 | 14,098 |

| DREDGED QUANTITIES | | |
|--------------------------------|-----------------------------------|-------------------------------|
| DREDGE VOLUME (CUBIC YARDS) | OVERDEPTH VOLUME (CUBIC YARDS) | TOTAL VOLUME (CUBIC YARDS) |
| 11,770 | 1,904 | 13,674 |

ESTIMATED QUANTITIES PER THE DIRECTION OF FOSTER CITY

| PRE-DREDGE QUANTITIES | | |
|--------------------------------|-----------------------------------|-------------------------------|
| DREDGE VOLUME (CUBIC YARDS) | OVERDEPTH VOLUME (CUBIC YARDS) | TOTAL VOLUME (CUBIC YARDS) |
| 11,930 | 870 | 12,800 |

NOTES:

- THE TOPOGRAPHIC SURVEY WAS COMPLETED ON 8-3-2017 USING CONVENTIONAL SURVEYING METHODS.
- ELEVATIONS ARE IN FEET AND TENTHS AND ARE REFERENCED TO MLLW.
- FOSTER CITY BENCH MARK No. 154, HAS A PUBLISHED NAVD88 ELEVATION OF 11.676', ADD 1.07', PER THE DREDGING PLAN, TO CONVERT TO MLLW. GIVES A MLLW ELEVATION OF 12.75' FOR THE BENCH MARK.
- COORDINATES ARE BASED ON CALIFORNIA COORDINATE SYSTEM, ZONE III, NAD 83.
- THE INFORMATION SHOWN ON THIS DRAWING IS BASED ON FIELD DATA TO ESTABLISH CONTOURS AND TOPOGRAPHIC FEATURES, AND DOES NOT REPRESENT THE ESTABLISHMENT OF BOUNDARY LINES.
- POST-DREDGE SURVEY ELEVATIONS COMPLETED ON 2-01-2018

SURVEYED AT THE REQUEST OF SALT RIVER CONSTRUCTION CORPORATION IN AUGUST, 2017.

Mike Buti
MIKE BUTI



LS 5092

REVISIONS: 2-06-2018, POST-DREDGE SURVEY

"POST-DREDGE 2-01-2018" TOPOGRAPHIC MAP

POST-DREDGE SURVEY - FEBRUARY 1, 2018
PRE-DREDGE SURVEY - AUGUST 3, 2017
AT THE LAGOON INTAKE STRUCTURE
USACE PERMIT # 2015-00405S, EPISODE # 1
FOSTER CITY, CALIFORNIA

PREPARED BY:
MIKE BUTI LAND SURVEYOR
SONOMA, CALIFORNIA
(707) 996-1877

| LEGEND | |
|--------|--|
| ----- | Contour Line 8-3-2017 |
| ----- | FINISH GRADE CONTOUR PER DREDGING PLAN 8-16-17 REVISION |
| ----- | FINISH GRADE CONTOUR PER FOSTER CITY REVISION |
| ----- | HINGE POINT, WHERE 4:1 SLOPE MEETS EXISTING GRADE |
| ----- | APPROXIMATE DREDGE LIMIT, 4:1 SLOPE EXTENDED TO OVERDEPTH ELEVATION |
| x-0.3 | ELEVATION on 2-01-2018 |

Salt River Construction Corp



Salt River <contact@saltriverco.com>

OK USFWS Informal Consultation (File# 08FBDT00-2016-0146)

Robert Perrera <rperrera@h-bgroup.com>

Wed, Aug 30, 2017 at 5:52 PM

To: Salt River <contact@saltriverco.com>, Allan Shu <ashu@fostercity.org>

Cc: Terry Huffman <thuffman@h-bgroup.com>, Jeff Moneda <jmoneda@fostercity.org>

Rick and Dave:

Good News is we will have the BCDC Permit tomorrow.

Bad news is BCDC wants the DOP to match what was put in the applications in terms of Depth and cubic yards of material being removed. The Corps and RWQCB did not seem to care they understand there are sometimes inconsistencies. Corps has approved the Episode and RWQCB said because it is just one Episode they do not need to approve it.

What I need is for you to make cosmetic edits to your DOP to match what we had in our permits and what the BCDC permit will say. When we submit the post-dredging survey we will explain any discrepancies at that point.

Attached is what was sent to BCDC.

1. For the Pre-Dredge Survey please edit the cross sections so the design depth numbers say -5.062 and -6.062.
2. For DOP please edit so design depth is -5.062 and -6.062; and total volume dredge is 12,800
3. Bottom width to say 10 feet wide.

I need this by COB tomorrow. If you don't have time I could make the changes using our Acrobat software since they are cosmetic...up to you.

Robert Perrera

Senior Wetland Regulatory Scientist

Huffman-Broadway Group, Inc.

828 Mission Ave., San Rafael CA

Cell: 415.385.4106

www.h-bgroup.com

From: Salt River [mailto:contact@saltriverco.com]

Sent: Monday, August 28, 2017 3:47 PM

To: Allan Shu <ashu@fostercity.org>

Cc: Terry Huffman <thuffman@h-bgroup.com>; Jeff Moneda <jmoneda@fostercity.org>; Robert Perrera <rperrera@h-bgroup.com>

Subject: OK USFWS Informal Consultation (File# 08FBDT00-2016-0146)

[Quoted text hidden]

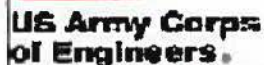
2 attachments



20170809 REV DOP City of Foster City Lagoon Intake Dredging 5pgs (003).pdf
37K



1166-PRE-DREDGE TOPO (003).pdf
685K



DUCKS UNLIMITED
4/13/18

DISPOSAL SITE: Cullinan Ranch

PERMIT: 2015-00405S

EPISODE: 1

[illegible]

[[Surface: OG 2-1-2018]]

Wednesday, August 01, 2018 15:12:32

Volume: Below Elevation -6.500

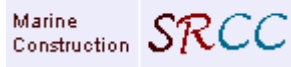
| | | |
|-------------------|------------|-------------|
| Volume Below -6.5 | 322 CuFt± | 12 CuYds± |
| Area Below -6.5 | 1354 SqFt± | 0.03 Acres± |

Saturday, August 04, 2018 09:16:59

Volume: Below Elevation -6.000

| | | |
|-------------------|------------|-------------|
| Volume Below -6.0 | 1839 CuFt± | 68 CuYds± |
| Area Below -6.0 | 4272 SqFt± | 0.10 Acres± |

Salt River Construction Corp



Salt River <contact@saltriverco.com>

FW: Foster City

Allan Shu <ashu@fostercity.org>
To: "Salt River (contact@saltriverco.com)" <contact@saltriverco.com>
Cc: Robert Perrera <rperrera@h-bgroup.com>

Tue, Mar 27, 2018 at 1:17 PM

Hi Rick - See email string below. I just took a call from Coast Guard as well and they are also trying to reach you. Apparently one of your barges is taking in water. Please reply when you plan to remove the barges. Thank.

~Allan

-----Original Message-----

From: Robert Perrera [mailto:rperrera@h-bgroup.com]
Sent: Tuesday, March 27, 2018 11:42 AM
To: Allan Shu <ashu@fostercity.org>
Subject: FW: Foster City

Allan,

There has been a complaint regarding barges out in Belmont Slough (see emails below). Mark from the Corps suspects it is Sal Rivers barges and was asking if I knew anything about it. I told him I did not but would check with you to see if you knew anything.

Best, RP

Robert F. Perrera
Senior Wetland Regulatory Scientist
Huffman-Broadway Group, Inc.
828 Mission Ave., San Rafael CA
Cell: 415.385.4106
www.h-bgroup.com

-----Original Message-----

From: D'Avignon, Mark R CIV USARMY CESP (US) [mailto:Mark.R.D'Avignon@usace.army.mil]
Sent: Tuesday, March 27, 2018 9:34 AM
To: Robert Perrera <rperrera@h-bgroup.com>
Subject: FW: Foster City

Hey Robert,

We are getting inquiries about excavators, barges, and channel markers in Belmont Slough. I suspect Salt River has still not unloaded there barges from the intake channel dredging.

Do you know anything about this?

This is my last week with the Corps and Salt River continues to haunt me! Hahaha

Thanks.

Mark

Jim - I was at a client's site in Foster City yesterday and there are several barges and two with large excavators parked just offshore of my client's property (one barge may be on his property as he has title to some of the bay). There are also several markers along the Belmont Slough channel. I skimmed through the PNs and didn't see any permit applications for dredging in this area. Is there active dredging planned for this area?

My client is curious as well as concerned that dredging may occur on his property without his permission. Also the barges and the markers along Belmont Slough are in a CDFW Ecological reserve.

Any information would be helpful.

Salt River Construction Corp

Marine
Construction

Salt River <contact@saltriverco.com>

3rd RFI/Bid Clarification(s) CIP-301-629 Dredging At Lagoon Intake Structure

Salt River <contact@saltriverco.com>

Sat, Mar 25, 2017 at 9:00 AM

To: Allan Shu <ashu@fostercity.org>

Cc: "Terry Huffman (thuffman@h-bgroup.com)" <thuffman@h-bgroup.com>

Bcc: Salt River <contact@saltriverco.com>

Allan Shu, P.E.

Public Works Engineering

City of Foster City/EMID

[650/286-3271](tel:6502863271)

SRCC asks that the City provide us responses to the following requests for clarifications:

1) Are we correct that standing Public Contract per Section 20101 (e) (see attached pdf) exempts bidders from having to provide a reviewed or audited financial statement by a contractor who has and is qualified as a small business pursuant to Government Code section 14837 (d)(1) which states as of January 1, 2001, the qualifying amount as \$10 million, and 25 per cent of that amount is \$2.5 million and as such bidder's that qualify and meet this statute will not be required to include the bidding requirement under Foster City Contract Document 00-4513; Article 2.02 Submittals 2.02C, "Audited or Reviewed "Financial Statements" with their sealed bid due on March 30th 2017 ??

I

(See the attached Public Code Section 20101(e) for ease to review)

SRCC has also attached our Certified Small Business Certificate for the State of California.

2) Can we be provided with the Engineer's estimate for this project?

3) Will there be any Addenda issued prior to the bid opening??

Please advise,

SRCC

Salt River Construction Corporation

5643 Paradise Drive, Suite 8

Corte Madera, CA. 94925

P: 415-435-1024

F: 415-924-6248

On Wed, Mar 22, 2017 at 1:07 PM, Allan Shu <ashu@fostercity.org> wrote:

Hi - See my responses below in red. Call if you have any questions.

-Allan

From: Salt River [<mailto:contact@saltriverco.com>]

Sent: Tuesday, March 21, 2017 2:41 PM

To: Allan Shu

Cc: Terry Huffman (thuffman@h-bgroup.com); Robert Perrera

Subject: 2nd RFI/Bid Clarification(s) CIP-301-629 Dredging At Lagoon Intake Structure

Allan Shu, P.E.

Public Works Engineering

City of Foster City/EMID

[650/286-3271](tel:6502863271)

SRCC asks that the City provide us responses to the following requests for clarifications :

1) Are we correct the All-Risk coverage specified per Section 00 7316 Article 1.01 C (enclosed) will not be required since there is no property that can be damaged by fire when solely conducting maintenance dredging ?? **Yes**

2) In accord with the existing very shallow waters and associated tides where dredging of the site and access to the approved dredge area are critical to not only loading but more importantly towing/transiting of dredge scows we ask that the work hours to undertake this project productively be revised to allow dredging,loading , positioning and hauling of dredge materials to 24 hours day and seven days per week which will result in the most economic,cost effective bid price for this maintenance project . The present standard working hours of 8 am to 5 pm is not conducive to shallow water and the critical controlling tidal dredging activities required for this project **Daily allowable working hour is part of the CEQA approved mitigated measures.**

3) Ask under Article 1 - Insurance per 1.011(enclosed) that the requirement to maintain insurance be reduced to two (2) months after final recorded completion of the work as in reality the area dredged will begin silting in immediately after the approved final post dredge survey and volumes has been accepted by the City. **It cannot be changed. May consider reviewing it with the City Attorney after award of contract.**

4) Presently in Summary 01 1100 ; 1.02 - 2 Bid Items etc...The Bid item #1 description states "Mobilization payment shall not be more than 5% of the total bid amount " . We ask that due to the fact this project requires two (2) distinct marine type construction mobilizations at both the dredging site in Foster City and at Cullinan Ranch where unloading will occur that the amount be increased to " not more than 25% of the total amount bid. The request for 25% is needed to allow for one mobilization of a complete dredge plant ,all necessary dump scows along with all floating appurtenances to dredge the channel and a second mobilization to deliver, set up and maintain the required unloading plant with all its floating support units throughout the course of the project which comprise major tasks and relative costs/prices inherent to marine construction. **Mobilization is limited to 5% of the total bid.**

5) Is our interpretation of the bid documents correct that bidders are not required to hire, pay and/or deploy a/any qualified biological monitor(s)/biologists to perform any onsite activities and/or provide any studies, reporting, observations etc.. and that the City of Foster City is solely responsible for any and all facets noted herein?? **Contract requirements are included in the contract documents; more specifically but not limited as described in Section 01 1100, Summary of Work. Biological monitoring will be performed by the City.**

6) Is our interpretation correct per Summary in 1.11, Permits A & B where all permits that are known by Foster City to apply to this project are listed and therefore :

i) Under the Mitigation Measures bidders **ARE NOT** required to " Obtain applicable resource agency permits and approvals" which we have **boxed out in green** per pdf attachment under 01 1100-8; III Hydrology , 01 1100-9 ;IV Hazards nor Geology and Soils , 01 1100-12. **City will have all necessary permits from regulatory agencies (USACE, BCDC, RWQCB, DMMO, etc.) to allow the work. Contractor is responsible for maintaining any and all operational permits and maintain logs as described in the contract documents.**

Please reply when schedules allow .

Thank you,

SRCC

Salt River Construction Corporation

5643 Paradise Drive, Suite 8

Corte Madera, CA. 94925

P: 415-435-1024

F: 415-924-6248

On Mon, Mar 6, 2017 at 9:22 AM, Allan Shu <ashu@fostercity.org> wrote:

See City's responses below in **red**. Feel free to call if you wish to discuss further. Thanks.

-Allan

Allan Shu, P.E.

Public Works Engineering

City of Foster City/EMID

[650/286-3271](tel:6502863271)

From: Salt River [mailto:contact@saltriverco.com]

Sent: Tuesday, February 28, 2017 1:54 PM

To: Allan Shu

Subject: Initial Bid Clarification(s) CIP-301-629 Dredging At Lagoon Intake Structure

Allan Shu, P.E.

Public Works Engineering

City of Foster City/EMID

650/286-3271

Our initial review of the Contract Bidding Documents has generated the following questions and clarifications that we are hereby submitting for the City's action :

A) C-2.0 indicates that hydrographic survey was conducted on Dec.12th 2013 (see attached pdf) for which we ask was the corresponding Estimated Quantity of 12,800 C/Y's listed per Bid Item #3 computed from this survey ? **Yes.**

B) Division 1 Part -1.01 A (see enclosed pg 105) states that the West Intake Channel (WIC) is to be dredged to elevation - 5.062 feet MLLW with a one (1) foot over dredge depth allowance to -6.062 feet MLLW .SRCC asks to be provided with the electronic files in ACAD format with corresponding x,y&z coordinates so that the current Bid Item #3 estimated volume in cubic yards can be verified by SRCC prior to submitting our sealed bid . **ACAD file will be made available to the winning bidder. As stated in Section 01 1100, paragraph 1.01A, with a 1-foot over dredge depth allowance, the depth could reach -6.062 feet MLLW and total amount of dredge material could reach 12,800 CY (maximum amount).**

C) SRCC also asks that the City's present Bid Item #3 volume of 12,800 C/Y's be broken down whereby the below list of expected dredging volumes per cubic yard are provided separately so our sealed bid can be properly prepared .. **Cross section profiles are provided on the plans.**

i) Volume to be dredged to -5.062 Feet MLLW, the design depth = **cross sections (profiles) are provided on the plans**
C/Y's ??

ii) Volume to be dredged to -6.062 Feet MLLW, the over depth allowance = **12,800** C/Y's ??

iii) Volume to be dredged that has increased due to the accumulation of additional sedimentation in the WIC along with any corresponding portion of Belmont Slough (BS) since the hydrographic survey was conducted back on Dec.12th 2013, the accumulated dredge sediments = **insignificant** C/Y's ??

Ask that the City get back to us when schedules allow.

Thank you,

Zack, Dave & Rick

Salt River Construction Corporation

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Corte Madera, CA. 94925

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2 attachments



2014 Public Contract Code Section 20101e Exemption financial statements 1pg.pdf
41K



20170321 SB Cert 41846 exp Mar2018 1pg.pdf
172K